

File No.: NP-PLTUP20260325 (Grimmer)
X-Ref NP-TUP-2023.5 (Grimmer)

DATE OF MEETING: October 2, 2026
TO: North Pender Island Local Trust Committee
FROM: Brad Smith, Island Planner
Southern Team
COPY: Mary Storzer, Regional Planning Manager
SUBJECT: Temporary Use Permit Renewal Application – Concrete Batch Plant
Applicant: Barbara Johnston
Location: 4415 Bedwell Harbour Road

RECOMMENDATIONS

1. That the North Pender Island Local Trust Committee (LTC) not approve the issuance of Temporary Use Permit renewal NP-PL-TUP-2026-0325 (Grimmer).
2. That the North Pender Island Local Trust Committee directs that the applicant cease the use for a concrete batch plan on the subject property until either a new Temporary Use Permit is issued, or rezoning application NP-RZ-2024.1 (Grimmer) is approved.
3. That the North Pender Island Local Trust Committee directs bylaw enforcement to initiate enforcement on the subject property for any unlawful use of the concrete batch plan until either a new Temporary Use Permit is issued, or rezoning application NP-RZ-2024.1 (Grimmer) is approved.
4. That the North Pender Island Local Trust Committee requests that the applicant provide the following information to help inform a future temporary use permit application and rezoning application NP-RZ-2024.1 (Grimmer):
 - a. A report from a qualified professional engineer or hydrogeologist that includes baseline water sampling results and analysis from the groundwater monitoring well, and a groundwater monitoring well sampling plan to guide future water quality monitoring;
 - b. A remediation plan including timelines for the removal of derelict equipment and vehicles in the area proposed for use;
 - c. A report from a qualified professional engineer confirming that the operational maintenance items identified in the September 14, 2026 monitoring checklist are adequately dealt with; and including any additional recommendations of the professional for improving site management.

REPORT SUMMARY

The purpose of this report is to present Temporary Use Permit (TUP) renewal application for consideration by the North Pender Local Trust Committee (LTC). Staff are recommending that the TUP renewal not be approved.

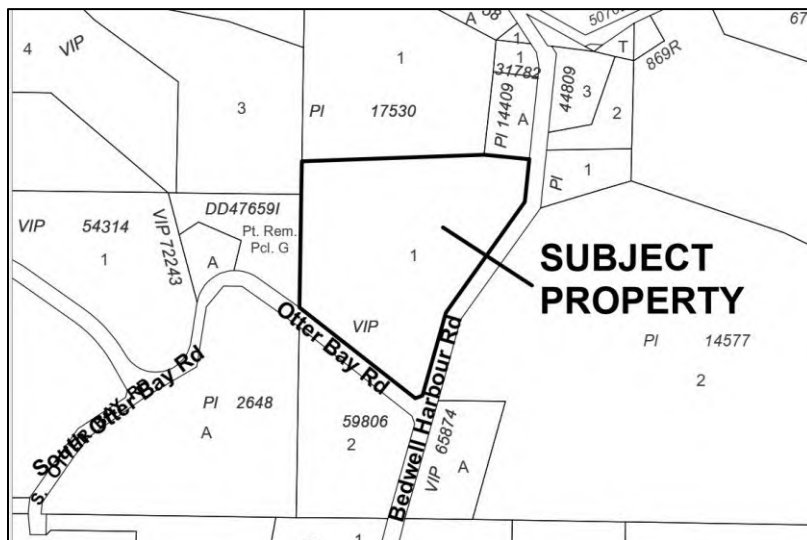
The recommendations above are supported as:

- The required monitoring report was submitted 26 months overdue and the report identifies several operational issues that need to be addressed either prior to TUP renewal, or as conditions in a new TUP;
- First Nations have identified a number of additional site management concerns through the bylaw referral process for the associated rezoning application and a subsequent site visit by the Tsawout First Nation;
- NP-TUP-2023.5 expired in July 2026 and is no longer valid; TUPs are required to be renewed prior to expiry; and,
- In this case, given the operational and site management concerns identified, it is appropriate to seek that the applicant cease the current use until a new TUP is issued or rezoning is approved.

BACKGROUND

The TUP renewal application is for the continued operation of a concrete batch plant and associated uses on a 0.54 ha (1.35 ac. – approx.) portion of the subject property (See Figure 1), which is zoned **Rural (R)** and does not permit industrial uses.

Figure 1 – Subject Property



The concrete batch plant has been approved since February 2020, via permit NP-TUP-2018.5 (Grimmer) which was approved for one year, and then subsequently renewed by the LTC for two additional years. The most recent permit, NP-TUP-2023.5, for which renewal is being sought, was approved for three years, and expired in July 2026.

The proposed use for the concrete plant is also the subject of rezoning application NP-RZ-2014.1 (Grimmer).

Additional information related to both the TUP and rezoning, including environmental management/monitoring reports and staff reports can be found here: <https://islandstrust.bc.ca/island-planning/north-pender/current-applications/>

ANALYSIS

TUP Renewal Permit

Draft permit NP-PL-TUP-2026-0325 is included as Attachment 1. As this is a TUP renewal, the conditions of the original TUP (Attachment 2) cannot be altered.

A TUP renewal can be approved for up to an additional three years, after which a new permit will be required. While in some cases a bit of leeway is granted, TUPs are only valid until the expiry date and are required to be renewed prior to expiry or a new permit is generally required.

NP-TUP-2023.5 Qualifying Conditions

NP-TUP-2023.5 had three qualifying conditions that were required to be met:

dd) Groundwater Monitoring Well

dd) A groundwater monitoring well shall be installed down gradient from the concrete batch plant and water management area within one (1) year of the issuance of this permit to allow for monitoring of groundwater quality resulting from TUP activities.

A monitoring well was installed in June 2025, and a report was submitted (Attachment 3). To date, no sampling data has been provided from this well. Staff recommend that the LTC direct the applicant to provide a report from a qualified professional engineer that includes baseline water sampling results and analysis from the groundwater monitoring well, and a groundwater monitoring well sampling plan to guide future monitoring

ii) Rezoning Application Submission

Rezoning Application Submission

- ii) The property owner shall submit a rezoning application to the North Pender Local Trust Committee for the long -term operation of the concrete batch plan on the property within six (6) months of the issuance of the permit or this permit shall cease to be valid.

The application was received by the LTC at the April 5, 2024 meeting where they directed staff to proceed and to draft amending bylaws. Draft bylaw [No. 236](#) and [No. 237](#) have been sent out for referral. The draft bylaws will be brought back to the LTC at a future meeting with a full summary of referral responses.

The applicant continues to work on additional items in the Terms of Reference for the rezoning (Attachment 4) including the provision of an updated environmental management plan and finalized surveyed site plan. These items will also be brought forward to the LTC when ready.

gg) Inspection Report/Checklist

TUP activities on the site are directed by an Environmental Management Plan. Condition (ff) of expired permit NP-TUP-2023.5 required that:

Environmental Management Plan and Reporting

ff) The uses permitted in Section 2. (above) shall conform to all operational methods, environmental mitigation measures, best management practices and environmental monitoring requirements contained in the “Environmental Management Plan” (‘EMP’ - Islander Engineering Ltd., October 2019) and submitted to the Islands Trust, Victoria Office on October 3, 2019.

To monitor compliance with condition (ff), condition (gg) of the permit required that:

gg) The Monitoring Environmental Consultant shall prepare and submit to the Islands Trust a monitoring report on adherence to the ‘Environmental Management Plan’ within one (1) year of the issuance of this permit, and that report shall include a completed checklist as shown on Schedule ‘E’, attached to and forming part of this Permit.

With TUP approval in July 2023, the report should have been submitted by August 2024. Due at least partly to unforeseen personal circumstances that impacted the ability of the applicant to provide the report in a timely manner, staff did not receive the report until September 14, 2026, (Attachment 5) 26 months after the required deadline. This did not provide much time for staff to review and respond to the report, or for the applicant to address issues prior to the LTC considering renewal of the TUP.

The report flags several items that need correcting or further monitoring including:

- Maintenance of drainage in batching area
- Cleanout of wastewater tanks/basins required prior to rainy season
- Stockpile maintenance/coverage
- Silt fencing reinstallation
- Further flag of storage cleanout under overflow protocol
- Wet season monitoring follow-up

The LTC cannot amend the permit in any way to address any of these items. As such, staff recommend that the TUP should not be renewed, and that a new permit should be required.

First Nations Referral Responses

There is no requirement for First Nations to be notified as part of the TUP renewal process, however draft Bylaw No. 236 and No. 237 have been sent to First Nations for referral and concerns have been raised by the Cowichan, Malahat and Tsawout First Nations (Attachment 6).

The Tsawout First Nation conducted a site visit in May 2026 and have provided a follow-up letter (Attachment 7) that flags a number of additional concerns, including the presence of derelict vehicles and equipment on the site, and the need for groundwater monitoring.

As the TUP application is a renewal, the LTC cannot amend the permit in any way to address these items. If a new TUP was required, additional conditions could be added to seek action more immediately on removal of derelict vehicles, monitoring well sampling etc.

Bylaw Enforcement

The LTC has Standing Resolution (SR) 2020-010 in respect of bylaw enforcement on unlawful uses:

2020-010 (Standing)	Carried	30-Jan-2020
15.1 Policy options for Bylaw Enforcement Compliance on unlawful uses		
that the North Pender Island Local Trust Committee adopt the following policy on unlawful land uses and planning applications:		
a. Where an application is received and a use is continuing in contravention of a land use bylaw, staff are directed to request that the applicant cease the use prior to processing the application, and staff are directed to continue with enforcement until the use is ceased.		
b. The applicant may request that the Local Trust Committee proceed with consideration of the application while the use is continuing; and, where the Local Trust Committee considers there is a community need to process the application while the prohibited use is continuing, the Local Trust Committee may direct that bylaw enforcement actions, including the issuing of notices, cease.		
c. Where the Local Trust Committee does not consider that there is a community need, or the applicant has not made such a request of the Local Trust Committee, bylaw enforcement actions, including the issuing of notices will continue		
d. In deciding whether to grant land use approval for a use that was commenced in contravention of a land use bylaw, the Local Trust Committee may consider whether the applicant has suspended the prohibited land use pending a decision on the application.		

If TUP renewal is denied, the LTC will need to turn their mind on how to apply SR 2020-010 to the associated rezoning application. Up to now, the LTC has required a TUP to be in place to guide land use while the rezoning was being considered.

Given the several deficiencies noted in the recent monitoring report, and the concerns of First Nations, staff recommend that the LTC not permit the activities to proceed in the absence of a new TUP or rezoning approval, and that the activity should cease, or bylaw enforcement actions should proceed, until a new TUP is issued, or rezoning is approved.

The applicant could submit a request to the LTC to apply Policy 2020-010 15.1(b) to permit the use while the rezoning application is being processed. If the applicant does submit a request prior to the meeting, staff will provide to the LTC. In the past, the LTC has directed the applicant to have a TUP in place to ensure the site is managed effectively while the rezoning was being considered. Staff recommend continuing to require a TUP.

Consultation

Statutory Requirements

As this is a TUP renewal application, no statutory notification is required.

Rationale for Recommendation

The recommendations on page 1 are supported as:

- The required monitoring report was submitted 26 months overdue and the report identifies several operational issues that need to be addressed either prior to TUP renewal, or as conditions in a new TUP;
- First Nations have identified a number of additional site management concerns through the bylaw referral process for the associated rezoning application and a subsequent site visit by the Tsawout First Nation;
- NP-TUP-2023.5 expired in July 2026 and is no longer valid; TUPs are required to be renewed prior to expiry; and,

- In this case, given the operational and site management concerns identified, it is appropriate to seek that the applicant cease the current use until a new TUP is issued or rezoning is approved.

ALTERNATIVES

The following alternatives are as follows:

1. Approve TUP renewal as presented

If selecting this alternative, the LTC should be aware that the conditions of the TUP cannot be altered and that there is a potential legal risk of approving the permit after the original permit has expired.

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee approves the issuance of Temporary Use Permit renewal NP-PL-TUP-2026-0325 (Grimmer) for a period of _____ years.

2. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request.

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee request that the applicant submit to the Islands Trust the following information:_____.

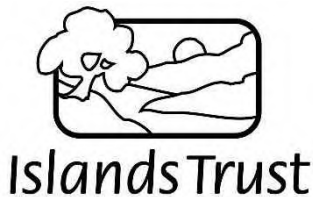
NEXT STEPS

With direction from the LTC, planning staff will close the file and seek a new TUP application from the applicant.

Submitted By:	Brad Smith, Islands Planner	September 23, 2026
Concurrence:	Mary Storzer, Regional Planning Manager	September 24, 2026

ATTACHMENTS

- 1) Draft NP-PL-TUP-2026-0325 Renewal Permit
- 2) NP-TUP-2023.5 Permit
- 3) Monitoring Well Report, June 2025
- 4) NP-RZ-2024.1 Terms of Reference
- 5) Environmental Inspection Report – September 2026
- 6) First Nations Referral Responses
- 7) Tsawout Site Visit follow-up letter



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT NP-PL-TUP-2026-0325
RENEWAL of NP-TUP-2023.5 (Grimmer)

4415 Bedwell Harbour Road

To: Barbara and Glenn Grimmer
c/o Aaron Grimmer

1. This Permit applies to the land described below:

That portion of:

Lot 1, Section 18, Pender Island, Cowichan District, Plan VIP59806
(PID: 018-948-421).

Indicated as 'Temporary Use Area' on Schedule 'A' attached to and forming part of this permit.

2. This permit is issued for the purpose of permitting the owner to conduct the following uses and no others in the Temporary Use Area of the property:
- a) A concrete batch plant operation.
 - b) The storage, handling and wholesale of aggregates defined as sand, drainage rock and gravel.
 - c) For certainty, and for the purposes of this permit, handling is defined as blending, but does not include screening, sorting, crushing or washing.
 - d) Storage of motorized and non-motorized vehicles and equipment directly required for the concrete and excavation business know as "Gulf Excavating Ltd".
3. This permit allows the following existing buildings and structures as shown on Schedule 'A'.
- a) Buildings and structures accessory to the uses permitted in Section 2. (above) and as shown on Schedule 'A' attached to and forming part of this permit and specified as follows:
 - i. One (1) concrete hopper;
 - ii. One (1) 'Pull in Bay' constructed of concrete 'lock-blocks';
 - iii. Impermeable wastewater holding tanks, and a retention pond adequate in number and capacity for wastewater collection and recycling for the concrete batch operation;
 - iv. One (1) fuel storage building ('sea container');
 - v. One (1) Maintenance Structure (fabric/'coverall' type) a with maximum area of 463.6 m² (4990 ft²) and a maximum height of 4.6 metres.

4. The uses may be carried out subject to the following conditions and specifications shown on Schedules 'B', 'C', 'D', 'E', 'F' and 'G' attached to and forming part of this permit:

General

- a) The uses permitted in Section 2. (above) may not result in any contamination or degradation of the groundwater aquifers in the vicinity of the subject property or downstream aquatic areas.
- b) All vehicles, equipment, buildings and materials permitted by Section 2. and 3. (above) are to be removed from the site by the date of the expiry of this permit. The removal of screening is not a condition of this permit.
- c) Unless a rezoning application is received by the Islands Trust, upon the expiry of this permit, the Temporary Permit Area of the property shall be remediated to return to the condition prior to the commencement of the concrete batch plant operation in 2016.
- d) The maximum volume of concrete produced each month is limited to 382 m³ (500 yd³).
- e) The maximum volume of aggregates stored on site is limited to 2294 m³ (3000 yd³).
- f) Storage and use of motorized and non-motorized vehicles and equipment accessory to the uses permitted in Section 2. (above), and motorized vehicles are further limited as follows:
 - i. Two (2) dump truck;
 - ii. One (1) 'pup' loader;
 - iii. Two (2) 'pup' trailers';
 - iv. Three (3) excavators;
 - v. One (1) Tractor with low-bed trailer,
 - vi. Four (4) concrete trucks; and,
 - vii. A maximum of two (2) other vehicles

Access and Hours of Operation

- g) Vehicle access to and from the Temporary Use Area shall be restricted to the use of only one of the two access point on Bedwell Harbour Road at any given time as indicated on Schedule 'A'.
- h) Both vehicular access driveways shall be surfaced with road base (or similar) extending a minimum of 75 metres from Bedwell Harbour Road, and the surface shall be maintained for the duration of the permit and any renewal period.
- i) There is to be no public access to and from the concrete batch plant area of the Temporary Use Area Site.
- j) The specific area containing wastewater holding tanks shall be guarded with a locked, non mountable fence to a height of 1.8 metres to prevent access.
- k) The specific area containing retention pond (overflow) shall be guarded with locked, non mountable fence to a height of 1.8 metres to prevent access.
- l) Hours of operation, including movement of vehicles and equipment, are restricted to between 8:00 a.m. and 4:30 p.m., Monday to Friday.
- m) Hours of operation, including movement of vehicles and equipment, are restricted to between 9:00 a.m. and 3:00 p.m. on Saturdays with no more than two (2) deliveries on any Saturday and where all reasonable measures are taken to abate noise.

- n) Hours of operation may be extended to between 5:00 a.m. and 7:00 p.m., Monday to Friday exclusively for off-island loads as necessarily determined by ferry schedules and where all reasonable measures are taken to abate noise.

Water and Waste Management

- o) All paved surfaces within the 'concrete batching area' as shown on Schedule 'A' are to be bounded by a 150 mm x 150 mm extruded curb with a minimum reverse 1% grade for wastewater capture and collection in accordance with the specifications shown on Schedule 'C'.
- p) The lined secondary containment area for the wastewater holding tanks is to be lined and maintained with a minimum 45 mil. rubber pond liner.
- q) Surface water not related to concrete production shall be directed away from wastewater collection areas.
- r) Siltation control is to be installed to prevent the release of any suspended materials in surface runoff from the Temporary Use Area within all site ditching as shown on Schedule 'A' and specified in Schedule 'C' attached to and forming part of this permit.
- s) Dust control measures shall be implemented in accordance with the "Recommended Guidelines for Environmental Management Practices for Canadian ready Mixed Concrete Industry" as excerpted on Schedule 'D'.
- t) All waste concrete shall be disposed of through creating concrete "loc-blocks" on site.
- u) Aggregates stored on-site shall be contained within areas delineated along three sides with concrete "loc-block" walls measuring a maximum height of two (2) blocks (1.5 m).
- v) Aggregates stored on-site shall be covered with secured tarps in good condition to prevent leachates caused by rainfall.
- w) The operator shall ensure that wastewater / excess concrete has been treated / covered / stored within a sealed vessel (10,000 gallon tank) ahead of rain fall.

Hydrocarbon Management

- x) Storage of chemicals and hydrocarbons is to be contained in corrosion-resistant tanks securely anchored on flat surfaces.
- y) Storage of chemicals and hydrocarbons is to be contained in a locked, weather protected (roofed) structure ('sea container') with a 15.25 cm (6 in.) "kick plate" as shown on Schedule 'A'.
- z) Containment for chemicals and hydrocarbons within the seacan is to be contained in a lined cell providing a minimum of 120% of the volume of stored liquids.
- aa) Emergency spill kits are to be provided at all areas where chemicals and/or fuel is stored.

Landscape & Screening

- bb) The earthen berms planted with Douglas fir and speria as shown on Schedule 'F' and described in Schedule G must be maintained and irrigated as necessary to assist in survival for the entire period of the temporary use permit.
- cc) The berms are to be maintained in a roughened state and contoured to an angle of 3H:1V to prevent runoff.

Groundwater Monitoring

- dd) A groundwater monitoring well shall be installed down gradient from the concrete batch plant and water management area within one (1) year of the issuance of this permit to allow for monitoring of groundwater quality resulting from TUP activities.

Environmental Management Plan and Reporting

- ee) The uses permitted in Section 2. (above) shall conform to all operational methods, environmental mitigation measures, best management practices and environmental monitoring requirements contained in the “Environmental Management Plan” (‘EMP’ - Islander Engineering Ltd., October 2019) and submitted to the Islands Trust, Victoria Office on October 3, 2019.

Monitoring

- ff) The ‘Monitoring Environmental Consultant’ shall be Islander Engineering Ltd. or a qualified professional licenced in the Province of BC with relevant experience in Environmental Management and hydrogeology.
- gg) The Monitoring Environmental Consultant shall prepare and submit to the Islands Trust a monitoring report on adherence to the ‘Environmental Management Plan’ within one (1) year of the issuance of this permit, and that report shall include a completed checklist as shown on Schedule ‘E’, attached to and forming part of this Permit.
- hh) The Islands Trust Bylaw Enforcement Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation with the holder of the Permit for the purpose of investigating a complaint.

Rezoning Application Submission

- ii) The property owner shall submit a rezoning application to the North Pender Island Local Trust Committee for the long-term operation of the concrete batch plan on the property within six (6) months of the issuance of the permit or this permit shall cease to be valid.
5. Pursuant to Section 502 of the *Local Government Act*, the Local Trust Committee requires security to ensure that any damage to the natural environment resulting from the contravention of a condition of this permit is corrected:
- a) Where the Local Trust Committee considers that a condition in the permit has been contravened resulting in damage to the natural environment, the Local Trust Committee may undertake and complete the works required to correct the damage to the natural environment, at the cost of the permit holder, and may apply the security in payment of the cost of the works with any excess to be returned to the permit holder.
 - b) Any interest earned on the security provided under Condition 5.c.i shall accrue to the permit holder and be paid to them immediately on return of the security or, on default, become part of the amount of the security.

- c) The security provided by the permit holder shall be in the form of:
 - i. An irrevocable letter of credit with a clause for automatic renewal, or cash equivalent;
 - ii. Payable to the Islands Trust; And,
 - iii. In the amount of \$10,000.00
 - d) Where the use authorized by this permit has ceased; or a rezoning application has been received by the Islands Trust; or the permit has expired and the use on the land ceased prior to commencement of any work pursuant to this permit, the security shall be returned to the permit holder, minus any funds still required to satisfy the Condition 5.a of this permit, provided that the conditions have been met.
6. This permit is valid for XX (XX) years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust, or apply for a renewal of this permit.
7. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "North Pender Island Land Use Bylaw No. 224, 2022", and for regulatory compliance and requirement to obtain other approvals necessary for the proposed uses with other authorities including the Provincial Ministry of Environment, Ministry of Transportation and Infrastructure, Capital Regional District, or Island Health.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS _____ DAY OF _____, 2026.

Deputy Secretary, Islands Trust

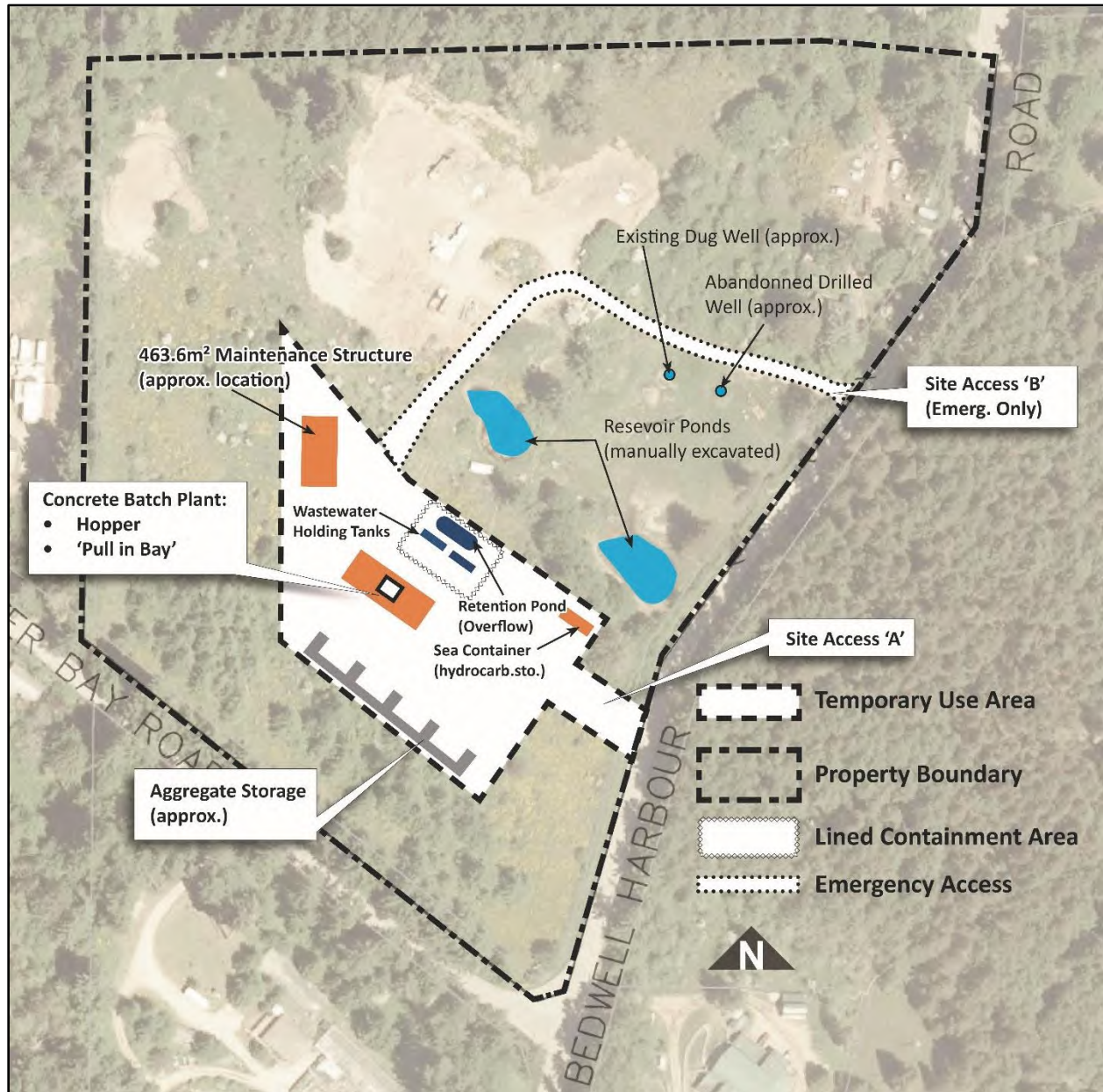
Date Issued

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NP-PL-TUP-2026-0325

SCHEDULE 'A'

SITE PLAN

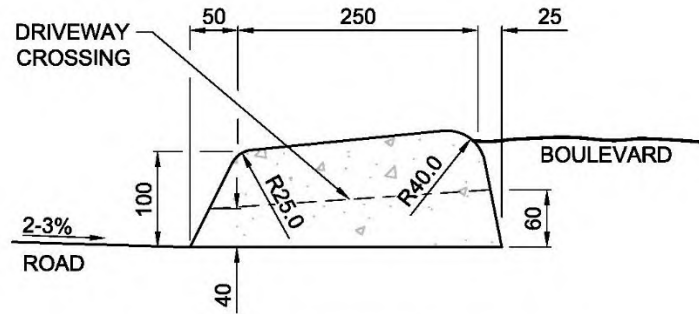


NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

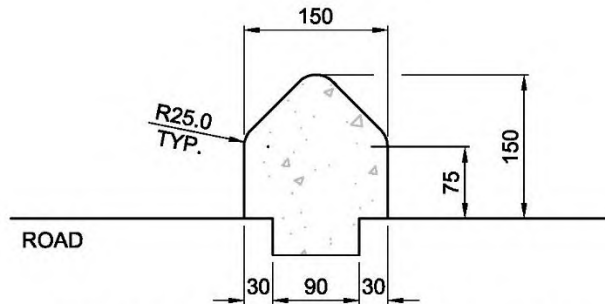
NP-PL-TUP-2026-0325

SCHEDULE 'B'

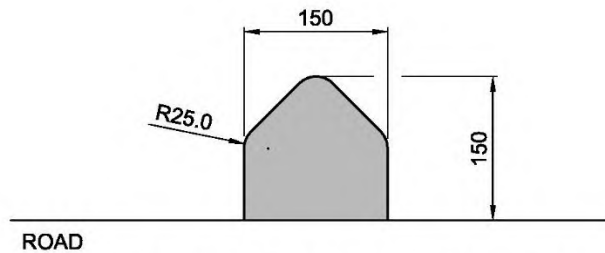
CURB CROSS SECTIONS



TEMPORARY CONCRETE CURB 1



TEMPORARY CONCRETE CURB 2



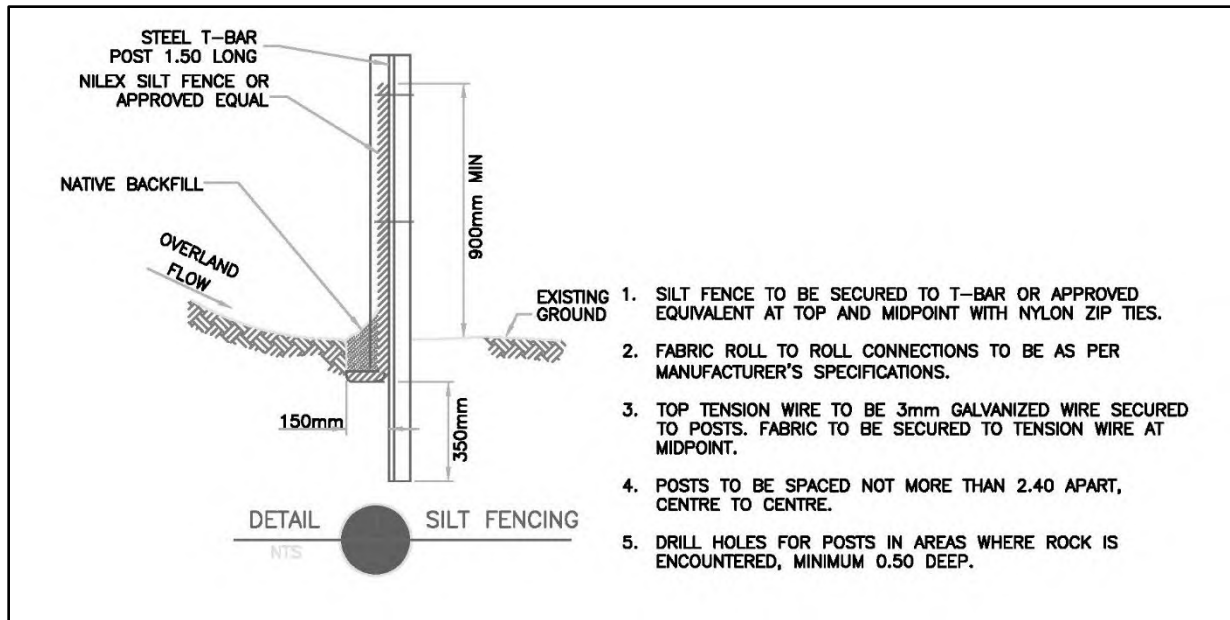
TEMPORARY ASPHALT CURB

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NP-PL-TUP-2026-0325

SCHEDULE 'C'

SILT FENCE SPECIFICATIONS



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NP-PL-TUP-2026-0325

SCHEDULE 'D'

DUST SUPPRESSION

MINIMIZING SOURCES FOR DUST EMISSIONS – Excerpted from ‘Recommended Guidelines for Environmental Management Practices for Canadian Ready Mixed Concrete Industry’

The plant manager’s air quality management program should address the following objectives:

- Identify all sources for dust emissions that are released into the atmosphere from the plant and property by plant operations.
- Collect airborne particulates from point source dust emissions through air filtration mechanisms where practical.
- Suppress the airborne particles from fugitive source dust emissions generated from the plant and property site.
- It is important for any air quality management program to also consider local climatic conditions for the plant site, with consideration for prevailing wind directions, average daily temperatures and seasonal precipitation.

Batch Plant Operations

The handling or transfer of aggregates and other raw materials into or within the batch plant can help minimize and eliminate batch plant dust emissions. Some alternatives for minimizing dust emissions from batch plant operations:

- Fine tune the batching sequence to deliver a smooth, controlled flow of raw material into the plant mixer
- Consider covers or partial enclosures for elevated conveyors into plant
- Enclose or shield aggregate storage areas and transfer points

Aggregate Storage and Handling

The storage or handling of aggregates and any other raw materials around the plant site can help minimize and eliminate plant site dust emissions. Some alternatives for minimizing dust emissions from aggregates storage:

- Consider higher moisture content in aggregates delivered to yard
- Partial enclosures or below grade pads for aggregate stockpile areas
- Minimize exposed surface area of aggregate stockpiles
- Minimize number of transfer points for raw materials
- Minimize drop heights for conveyor or hoppers

Traffic Areas

Some alternatives for minimizing dust emissions from plant site traffic:

- Consider paving or hard surfacing of high traffic areas around yard
- Keep paved or hard surfaced areas clean
- Dust suppression using water or chemical dust suppressants

Diesel Engine Exhaust Emissions

Diesel engine exhaust systems for all fixed and mobile equipment in use at the plant site provide multiple point source emissions. As mixer trucks wait in the yard, it is important to minimize the amount of engine idling time to reduce exhaust emissions and save fuel.

Maintaining correct engine-operating temperatures also helps in reducing exhaust emissions and prolongs equipment life. A regular preventive maintenance program will keep equipment and vehicle

engines running at optimal performance. Equipment and vehicle pollution control devices should be included as part of the regular maintenance inspection.

Dust Suppression

Small water droplets, produced by water spray bars, are effective as a dust suppression measure. The dust particles cling to the small water droplets, preventing the dust particles from becoming airborne. Some best management practices for dust suppression:

- Using a water spray bar or spray ring to rinse down the charge hopper at the truck mixer load point.
- Using a water truck with spray bars for wetting down plant yard surfaces and roadways.
- Wetting down aggregate stockpiles using water spray bars or sprinklers.

These best management practices for dust suppression would also require coordination with water management for the plant site and property:

- Using spray bars for dust suppression at aggregate transfer points (e.g., at the end of the conveyor belt which charges the aggregate bins).
- Installing a soaker hose or spray bar at the plant yard entrance for mixer truck wheel wash.
- Water used for dust suppression purposes should not be allowed to mix with surface runoff from the plant property.

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NP-PL-TUP-2026-0325

SCHEDULE 'E'

CHECKLIST

Checklist for Compliance with Environmental Management Plan (Islander Engineering, Oct. 2019)

CONDITION/REGULATION	COMPLETED /COMPLIANT (Y/N)	SCHEDULE DATE TO BE COMPLETED/COMMENTS
ENVIRONMENTAL MGMT ACT		
- Contaminated Sites Regulation		
- Fisheries Act		
- Waste Discharge Act		
- Spill Reporting Regulation		
- Hazardous Waste Regulation		
- Water Sustainability Act		
ASSIGNMENT OF ROLES & RESPONSIBILITIES (p.5)		
- Supervisor		
- Health, Safety & Environmental Representative		
- All Employees		

5. WATER MANAGEMENT

5.1.1 Wastewater Reduction (BMP):

- Minimize the need for exterior truck washing by controlling dust losses from the batching area;		
- Train employees with regards to water use, ensuring that they understand the importance of controls and the possible impact to the environment and company liability;		
- Limit or eliminate freshwater use by recycling processed water and using captured storm water runoff wherever possible; Reduce total water usage during drum washout by using multiple small rinses, rather than large volume single rinses;		

CONDITION/REGULATION	COMPLETED /COMPLIANT (Y/N)	SCHEDULE DATE TO BE COMPLETED/COMMENTS
- Consider the use of hydration stabilization admixtures;		
- Consider dry washout procedures;		
5.1.2 Water Collection/Containment (p.9)		
- All paved surfaces within the batching area should be curbed and graded to allow for effective capture and collection of wastewater;		
- Any surface water not related to concrete production should be directed away from wastewater collection areas;		
- Equipment and vehicular traffic should be minimized through batching area where wastewater may be present;		
- Sufficient capacity must be provided for wastewater holding tanks / basins;		
- Wastewater holding tanks / basin shall be impermeable;		
- Sufficient secondary containment (i.e., berms) shall be provided to capture any overflow from wastewater holding facilities.		
- Any breaches in containment facilities that cause release of wastewater to the environment shall be considered a spill incident and spill response measures, described in Section 6, shall be followed.		

CONDITION/REGULATION	COMPLETED /COMPLIANT (Y/N)	SCHEDULE DATE TO BE COMPLETED/COMMENTS
5.2. Storm Water Runoff		
5.2.2 BMP:		
- Encourage surface water to seep into the soil naturally;		
- Preserve natural vegetation where possible;		
- If possible, retain woody debris and organic matter on-site as mulch;		
- Roughen or terrace slopes to prevent erosion. Limit slope steepness and length to reduce runoff velocity;		
- Cover soil stockpiles and bare slopes with mulch, tarps, etc;		
- Re-vegetate or landscape disturbed areas of the Site as soon as possible. If areas of the Site must be left disturbed during the rainy seasons, sow a temporary cover crop,		
- apply mulch or lay geotextile to stabilize exposed soils;		
- Keep machinery within specific access areas. Limit the extent of machine access areas to the minimum necessary to conduct operations in a feasible and practical manner;		
- Control disposal or runoff of water containing suspended materials or other harmful substances in accordance with federal, provincial and municipal requirements;		
- If it is not possible to isolate and divert flowing water from a work area (due to water depth and volume) isolate works with a structure (e.g., silt curtain, sand bags, earthen berm, etc.) to keep silty water from leaving the Site;		

CONDITION/REGULATION	COMPLETED /COMPLIANT (Y/N)	SCHEDULE DATE TO BE COMPLETED/COMMENTS
- Avoid clearing vegetation from work zones during snowmelt or heavy rains;		
- Isolate work / excavation areas from all flowing water;		
- Inspect all silt fences and other controls (i.e., catch basin inserts, stop logs) on a daily basis prior to the start of work and correct deficiencies immediately. Pay special attention in areas where construction activities have changed natural contours or drainage patterns to ensure that controls are properly located for effectiveness		
5.3 Water Treatment		
- Protocol in place for overflow incidents		

CONDITION/REGULATION	COMPLETED /COMPLIANT (Y/N)	SCHEDULE DATE TO BE COMPLETED/COMMENTS
6. CHEMICAL AND PETROLEUM HYDROCARBON MANGEMENT		
6.2 Storage and Handling		
- Concrete additives are currently stored within manufacturer containers within a covered, plastic sheet-lined secondary containment structure at the top of the batch plant.		
- Mechanical fluids (oils / waste oils) are stored within a transportation seacan with a welded lip at the entrance, which provides secondary containment to small jugs of hydraulic fluid within. Waste oil is stored within an above ground storage tank within a separate plastic sheet-lined cell within the seacan.		
- Fuel is stored within fuel tanks and tidy tanks aboard various vehicles and equipment throughout the Site. There is no bulk fuel storage on Site		
Best Management Practices		
- Locate storage facilities away from high traffic areas, with reasonable protection from vehicle / equipment damage;		
- Provide storage areas with a means (i.e., lock and key) to control access to the materials so that only authorized (e.g., trained) personnel may remove and use the materials;		
- Ensure tanks are corrosion-resistant and stable / anchored securely on a flat surface;		
- If possible, store drums and pails of related products in same area;		

CONDITION/REGULATION	COMPLETED /COMPLIANT (Y/N)	SCHEDULE DATE TO BE COMPLETED/COMMENTS
- Ensure all materials are properly labelled and remain in original containers with lid intact for as long as reasonable for Site operations;		
- Protect liquids from freezing, where applicable;		
- Provide minimum 120% secondary containment for all volumes of liquid stored;		
- Provide with a means of segregating combustible and flammable materials from oxidizing agents and other sources of ignition (i.e., away from sparks and/or with physically separated storage areas)		
- Provide with a means of preventing water reactive and pyrophoric materials from coming in contact with accumulated water (i.e., roofed enclosures)		
- Provide emergency spill kits/supplies within the storage area, including fire extinguishers, non-sparking shovels, sand bags, etc.		
6.3 Disposal		
- Source reduction procedure in place		
- Returns procedure in place		

CONDITION/REGULATION	COMPLETED /COMPLIANT (Y/N)	SCHEDULE DATE TO BE COMPLETED/COMMENTS
7. SPILL RESPONSE AND PREVENTION		
7.1 Spill Response		
- Spill Response Steps reviewed by all staff (pp. 14 -16)		
- Spill Response Steps posted in appropriate areas		
7.2 Spill Response Equipment		
- Standard Spill Kit		
- Vehicle Spill Kit		
7.3 Spill Prevention (BMP)		
- Equipment is to be inspected daily to ensure that it is leak-free and functioning as intended. All fuel/oil caps will be manually checked to ensure that they are tightened down. Equipment will be tagged out of service if found to be leaking. Servicing of equipment that is absolutely necessary on-site is to be done within containment areas (i.e., bermed or otherwise isolated) or at an appropriate work yard operated by the contractor or his supplier;		
- Equipment or machinery found to be leaking will have containment trays/buckets placed under drips/leaks that cannot be stopped (e.g., cannot be drained into an appropriate container), will have absorbent pads wrapped around leaky connections or placed under areas where a tray or bucket cannot be fitted, etc.). The person identifying the malfunction or accidental leak will notify the foreman or site supervisor, who will arrange repairs or transport off-site, and/or mechanic, if on site.		

CONDITION/REGULATION	COMPLETED /COMPLIANT (Y/N)	SCHEDULE DATE TO BE COMPLETED/COMMENTS
- All workers/operators will be responsible for cleaning up observed leaks and/or wiping down equipment, even if the leak or spill is non-reportable.		
- Grease and oil required for maintenance will be properly applied. Excess will be cleaned up and disposed of in an environmentally appropriate manner, as will all containers, lids, and contaminated cloths and applicators.		
- During fuelling of larger compressors, light plants, etc., a portable drip tray lined with absorbent pads will be placed under the fuel tube and cap area. Absorbent pads will be used to wipe off any drips on the fuel spigot or side of equipment.		
- Jerry cans will be stored within a sealed tool box tray with lid or other suitable storage locker with ventilation, and placed in a containment tray when outside of the storage container.		
- When heavy machinery is not in use (i.e., overnight, weekends, or idle for the day), a portable drip tray will be placed under the main engine compartment.		

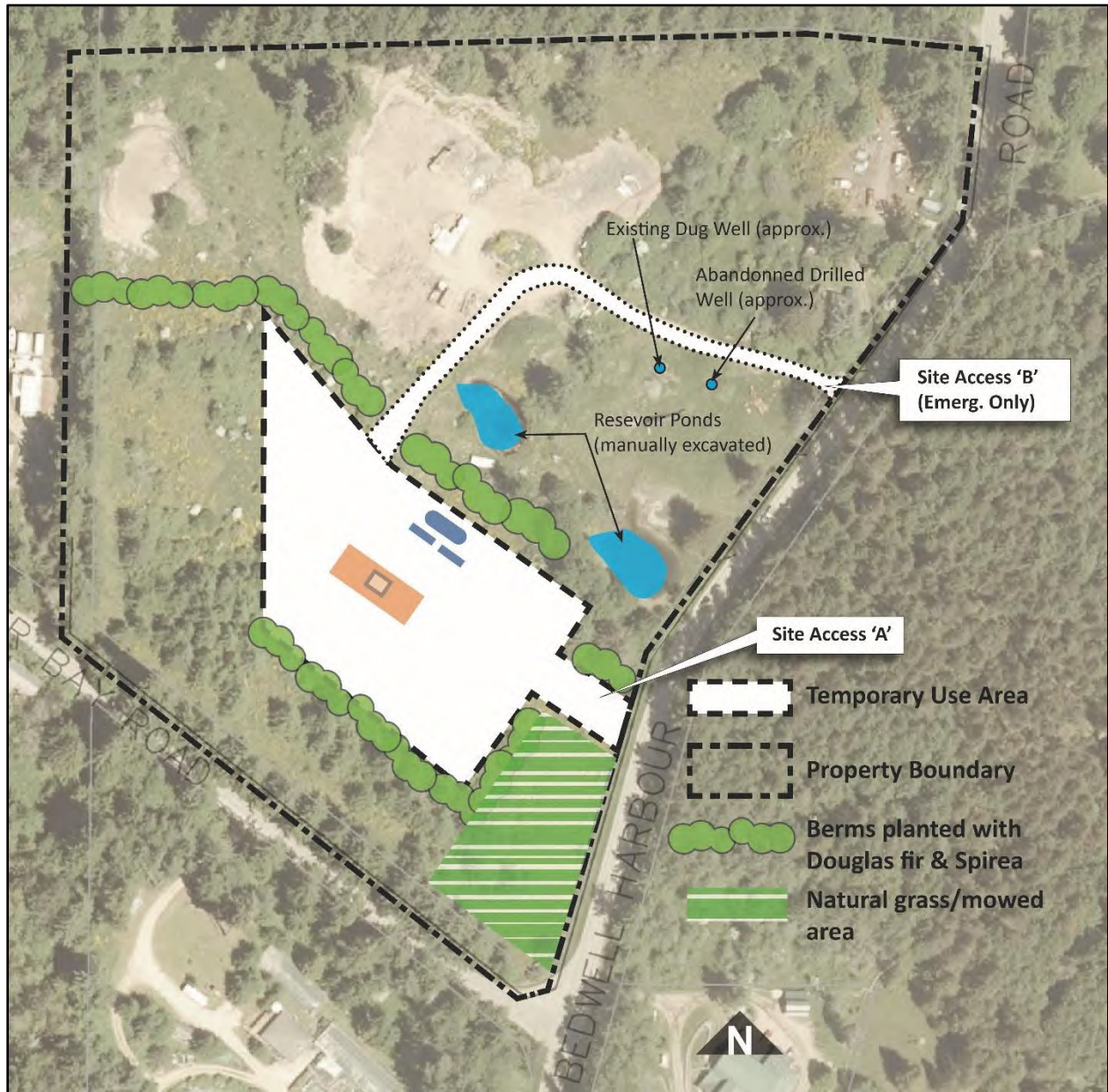
CONDITION/REGULATION	COMPLETED /COMPLIANT (Y/N)	SCHEDULE DATE TO BE COMPLETED/COMMENTS
- Fire extinguishers and other emergency response equipment and supplies will be kept in known and visible locations and access to them will not be blocked by other materials or equipment. A list of emergency contacts will be posted at predetermined, accessible and visible locations, as well as kept with the emergency response equipment. By law, fire extinguishers are routinely inspected and certified, as is other fire-suppressant equipment and materials.		
- Waste oil or materials will be removed from site as soon as possible in accordance with Transportation of Dangerous Goods requirements and the BC Special Waste Regulations.		
- The Emergency Spill Response Plan will be implemented when required.		
- The Emergency Spill Response Plan will be posted on-site, and all personnel made aware of its content and location of response materials, as well as emergency contact names and numbers.		
- Oil spill response materials and equipment, such as absorbent pads, booms and leak proof containers, will be kept on-site in sufficient quantities and in an easily accessible location to contain and clean up the amount of fuel, oil or other petroleum hydrocarbons used/stored on site.		

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NP-PL-TUP-2026-0325

SCHEDULE 'F'

LANDSCAPE PLAN



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NP-PL-TUP-2026-0325

SCHEDULE 'G'

PLANTING SCHEME

Islandscapes

3724 Port Road, Pender Island, BC V0N 2M2 250.629.6053

July 4, 2018

Proposed Landscape Plan for Gulf Excavating Temporary Use Permit Application:

1. South and east areas bordering proposed new driveway at Bedwell Harbour Road and Otter Bay Road: restore farm pastureland by removing invasive species, primarily broom. Finish rake areas with farm equipment and seed with pasture seed mixture. Do not change existing grades or natural contours, retain native trees and shrubs. The natural contours completely screen the proposed temporary use application area from view.

2. There is a 50 foot strip below the upper pond and an adjacent 10 foot strip that should be planted to screen the temporary use application area from view from Bewell Harbour Road. These areas at base of upper pond dam to be planted with 10 *Chamaecyparis lawsonia* 5 gallon (Leyland cypress)* on staggered 6 foot centers to provide coniferous screen and 15 feet away from the base of the dam to affect the integrity of the dam. The area in front to the cypress closest to Bedwell Harbour Road to be planted with 4 *Malus fesca* 3 gallon (Pacific crab apple), 3 *Holodiscus discolor* 3 gallon (ocean spray) and 3 *Philadelphus lewisii* 3 gallon (native mock orange). Sizes are suggested, and will depend on availability. These native shrubs will soften the informal cypress hedge and allow it to act as a pollinator-attracting hedgerow. Disturbed soils to be finish raked and seeded with a low growing fescue grass mixture to hold soils while plants are established. Plantings to be screened from deer and irrigated for a period of three years.

* Leyland cypress are fast-growing conifers that provide excellent screening. They are not native to the island. The native alternative would be *Thuja plicata* (Western Redcedar). It would not necessarily be appropriate to the area as it has higher water needs than the area will provide over time. Many of the island cedar are dying.

3. A 6 foot high solid cedar gate to be built at proposed emergency access road (existing driveway) at the entrance to the temporary use application area to complete visual screening from Bedwell Harbour Road.

4. Estimated cost:

- pull broom with excavator special attachment: 3,780.00
- finish rake and seed with farm equipment: 1,500.00
- seed: 570.00
- plant material: 1,019.20
- irrigation and screening: 450.00
- wooden gate: 1,500.00



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
NP-TUP-2023.5 (Grimmer)**

4415 Bedwell Harbour Road

To: Barbara and Glenn Grimmer
c/o Aaron Grimmer

1. This Permit applies to the land described below:

That portion of:

Lot 1, Section 18, Pender Island, Cowichan District, Plan VIP59806
(PID: 018-948-421).

Indicated as 'Temporary Use Area' on Schedule 'A' attached to and forming part of this permit.

2. This permit is issued for the purpose of permitting the owner to conduct the following uses and no others in the Temporary Use Area of the property:
- a) A concrete batch plant operation.
 - b) The storage, handling and wholesale of aggregates defined as sand, drainage rock and gravel.
 - c) For certainty, and for the purposes of this permit, handling is defined as blending, but does not include screening, sorting, crushing or washing.
 - d) Storage of motorized and non-motorized vehicles and equipment directly required for the concrete and excavation business known as "Gulf Excavating Ltd".
3. This permit allows the following existing buildings and structures as shown on Schedule 'A'.
- a) Buildings and structures accessory to the uses permitted in Section 2. (above) and as shown on Schedule 'A' attached to and forming part of this permit and specified as follows:
 - i. One (1) concrete hopper;
 - ii. One (1) 'Pull in Bay' constructed of concrete 'lock-blocks';
 - iii. Impermeable wastewater holding tanks, and a retention pond adequate in number and capacity for wastewater collection and recycling for the concrete batch operation;
 - iv. One (1) fuel storage building ('sea container');
 - v. One (1) Maintenance Structure (fabric/'coverall' type) with a maximum area of 463.6 m² (4990 ft²) and a maximum height of 4.6 metres.

4. The uses may be carried out subject to the following conditions and specifications shown on Schedules 'B', 'C', 'D', 'E', 'F' and 'G' attached to and forming part of this permit:

General

- a) The uses permitted in Section 2. (above) may not result in any contamination or degradation of the groundwater aquifers in the vicinity of the subject property or downstream aquatic areas.
- b) All vehicles, equipment, buildings and materials permitted by Section 2. and 3. (above) are to be removed from the site by the date of the expiry of this permit. The removal of screening is not a condition of this permit.
- c) Unless a rezoning application is received by the Islands Trust, upon the expiry of this permit, the Temporary Permit Area of the property shall be remediated to return to the condition prior to the commencement of the concrete batch plant operation in 2016.
- d) The maximum volume of concrete produced each month is limited to 382 m³ (500 yd³).
- e) The maximum volume of aggregates stored on site is limited to 2294 m³ (3000 yd³).
- f) Storage and use of motorized and non-motorized vehicles and equipment accessory to the uses permitted in Section 2. (above), and motorized vehicles are further limited as follows:
 - i. Two (2) dump truck;
 - ii. One (1) 'pup' loader;
 - iii. Two (2) 'pup' trailers';
 - iv. Three (3) excavators;
 - v. One (1) Tractor with low-bed trailer,
 - vi. Four (4) concrete trucks; and,
 - vii. A maximum of two (2) other vehicles

Access and Hours of Operation

- g) Vehicle access to and from the Temporary Use Area shall be restricted to the use of only one of the two access point on Bedwell Harbour Road at any given time as indicated on Schedule 'A'.
- h) Both vehicular access driveways shall be surfaced with road base (or similar) extending a minimum of 75 metres from Bedwell Harbour Road, and the surface shall be maintained for the duration of the permit and any renewal period.
- i) There is to be no public access to and from the concrete batch plant area of the Temporary Use Area Site.
- j) The specific area containing wastewater holding tanks shall be guarded with a locked, non mountable fence to a height of 1.8 metres to prevent access.
- k) The specific area containing retention pond (overflow) shall be guarded with locked, non mountable fence to a height of 1.8 metres to prevent access.
- l) Hours of operation, including movement of vehicles and equipment, are restricted to between 8:00 a.m. and 4:30 p.m., Monday to Friday.
- m) Hours of operation, including movement of vehicles and equipment, are restricted to between 9:00 a.m. and 3:00 p.m. on Saturdays with no more than two (2) deliveries on any Saturday and where all reasonable measures are taken to abate noise.

- n) Hours of operation may be extended to between 5:00 a.m. and 7:00 p.m., Monday to Friday exclusively for off-island loads as necessarily determined by ferry schedules and where all reasonable measures are taken to abate noise.

Water and Waste Management

- o) All paved surfaces within the 'concrete batching area' as shown on Schedule 'A' are to be bounded by a 150 mm x 150 mm extruded curb with a minimum reverse 1% grade for wastewater capture and collection in accordance with the specifications shown on Schedule 'C'.
- p) The lined secondary containment area for the wastewater holding tanks is to be lined and maintained with a minimum 45 mil. rubber pond liner.
- q) Surface water not related to concrete production shall be directed away from wastewater collection areas.
- r) Siltation control is to be installed to prevent the release of any suspended materials in surface runoff from the Temporary Use Area within all site ditching as shown on Schedule 'A' and specified in Schedule 'C' attached to and forming part of this permit.
- s) Dust control measures shall be implemented in accordance with the "Recommended Guidelines for Environmental Management Practices for Canadian ready Mixed Concrete Industry" as excerpted on Schedule 'D'.
- t) All waste concrete shall be disposed of through creating concrete "loc-blocks" on site.
- u) Aggregates stored on-site shall be contained within areas delineated along three sides with concrete "loc-block" walls measuring a maximum height of two (2) blocks (1.5 m).
- v) Aggregates stored on-site shall be covered with secured tarps in good condition to prevent leachates caused by rainfall.
- w) The operator shall ensure that wastewater / excess concrete has been treated / covered / stored within a sealed vessel (10,000 gallon tank) ahead of rain fall.

Hydrocarbon Management

- x) Storage of chemicals and hydrocarbons is to be contained in corrosion-resistant tanks securely anchored on flat surfaces.
- y) Storage of chemicals and hydrocarbons is to be contained in a locked, weather protected (roofed) structure ('sea container') with a 15.25 cm (6 in.) "kick plate" as shown on Schedule 'A'.
- z) Containment for chemicals and hydrocarbons within the seacan is to be contained in a lined cell providing a minimum of 120% of the volume of stored liquids.
- aa) Emergency spill kits are to be provided at all areas where chemicals and/or fuel is stored.

Landscape & Screening

- bb) The earthen berms planted with Douglas fir and spirea as shown on Schedule 'F' and described in Schedule G must be maintained and irrigated as necessary to assist in survival for the entire period of the temporary use permit.
- cc) The berms are to be maintained in a roughened state and contoured to an angle of 3H:1V to prevent runoff.

Groundwater Monitoring

- dd) A groundwater monitoring well shall be installed down gradient from the concrete batch plant and water management area within one (1) year of the issuance of this permit to allow for monitoring of groundwater quality resulting from TUP activities.

Environmental Management Plan and Reporting

- ee) The uses permitted in Section 2. (above) shall conform to all operational methods, environmental mitigation measures, best management practices and environmental monitoring requirements contained in the "Environmental Management Plan" ('EMP' - Islander Engineering Ltd., October 2019) and submitted to the Islands Trust, Victoria Office on October 3, 2019.

Monitoring

- ff) The 'Monitoring Environmental Consultant' shall be Islander Engineering Ltd. or a qualified professional licenced in the Province of BC with relevant experience in Environmental Management and hydrogeology.
- gg) The Monitoring Environmental Consultant shall prepare and submit to the Islands Trust a monitoring report on adherence to the 'Environmental Management Plan' within one (1) year of the issuance of this permit, and that report shall include a completed checklist as shown on Schedule 'E', attached to and forming part of this Permit.
- hh) The Islands Trust Bylaw Enforcement Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation with the holder of the Permit for the purpose of investigating a complaint.

Rezoning Application Submission

- ii) The property owner shall submit a rezoning application to the North Pender Island Local Trust Committee for the long-term operation of the concrete batch plan on the property within six (6) months of the issuance of the permit or this permit shall cease to be valid.
5. Pursuant to Section 502 of the *Local Government Act*, the Local Trust Committee requires security to ensure that any damage to the natural environment resulting from the contravention of a condition of this permit is corrected:
- a) Where the Local Trust Committee considers that a condition in the permit has been contravened resulting in damage to the natural environment, the Local Trust Committee may undertake and complete the works required to correct the damage to the natural environment, at the cost of the permit holder, and may apply the security in payment of the cost of the works with any excess to be returned to the permit holder.
 - b) Any interest earned on the security provided under Condition 5.c.i shall accrue to the permit holder and be paid to them immediately on return of the security or, on default, become part of the amount of the security.

- c) The security provided by the permit holder shall be in the form of:
 - i. An irrevocable letter of credit with a clause for automatic renewal, or cash equivalent;
 - ii. Payable to the Islands Trust; And,
 - iii. In the amount of \$10,000.00
 - d) Where the use authorized by this permit has ceased; or a rezoning application has been received by the Islands Trust; or the permit has expired and the use on the land ceased prior to commencement of any work pursuant to this permit, the security shall be returned to the permit holder, minus any funds still required to satisfy the Condition 5.a of this permit, provided that the conditions have been met.
6. This permit is valid for three (3) years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust, or apply for a renewal of this permit.
7. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "North Pender Island Land Use Bylaw No. 224, 2022", and for regulatory compliance and requirement to obtain other approvals necessary for the proposed uses with other authorities including the Provincial Ministry of Environment, Ministry of Transportation and Infrastructure, Capital Regional District, or Island Health.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS 28TH DAY OF JULY, 2023.


Deputy Secretary, Islands Trust

July 31, 2023

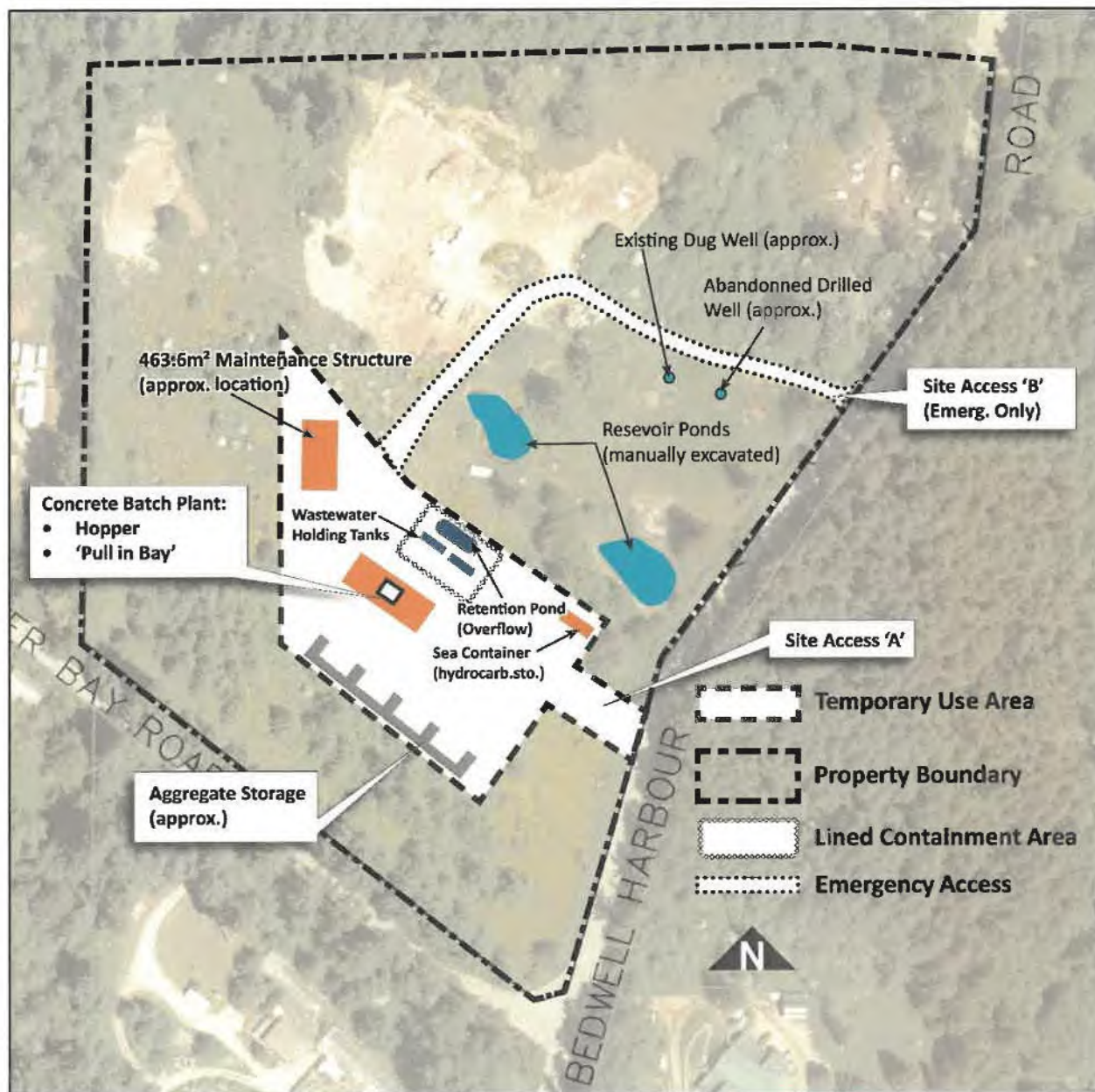
Date Issued

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NP-TUP-2023.5

SCHEDULE 'A'

SITE PLAN



I hereby certify this to be Schedule A which is attached to and forms part of Temporary Commercial and Industrial Use Permit No. NP-TUP-2023.5.

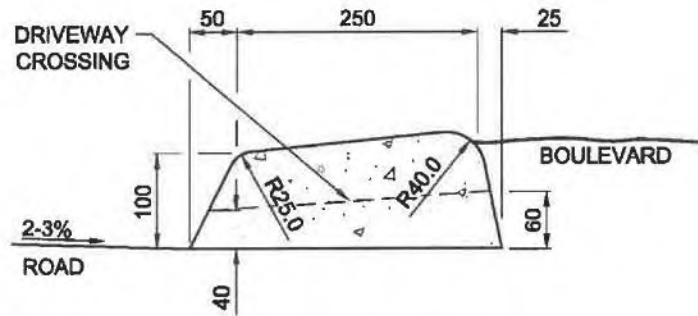
Signature of Islands Trust Official

July 31, 2023

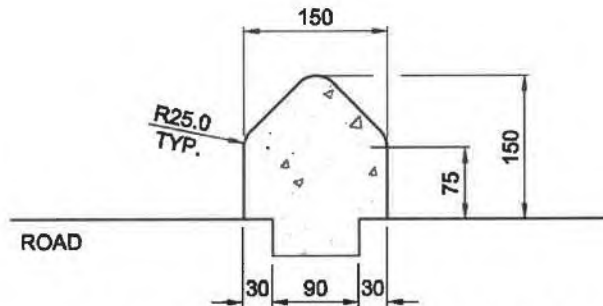
Date of Issuance

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-TUP-2023.5
SCHEDULE 'B'

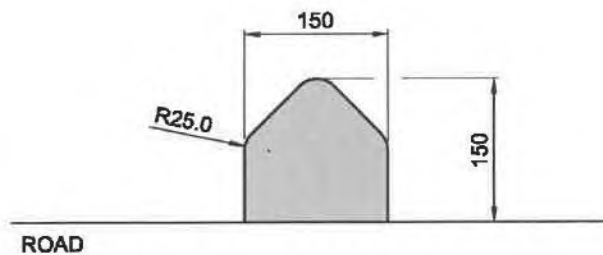
CURB CROSS SECTIONS



TEMPORARY CONCRETE CURB 1



TEMPORARY CONCRETE CURB 2



TEMPORARY ASPHALT CURB

I hereby certify this to be Schedule B which is attached to and forms part of Temporary Commercial and Industrial Use Permit No. NP-TUP-2023.5.

Signature of Islands Trust Official

July 31, 2023

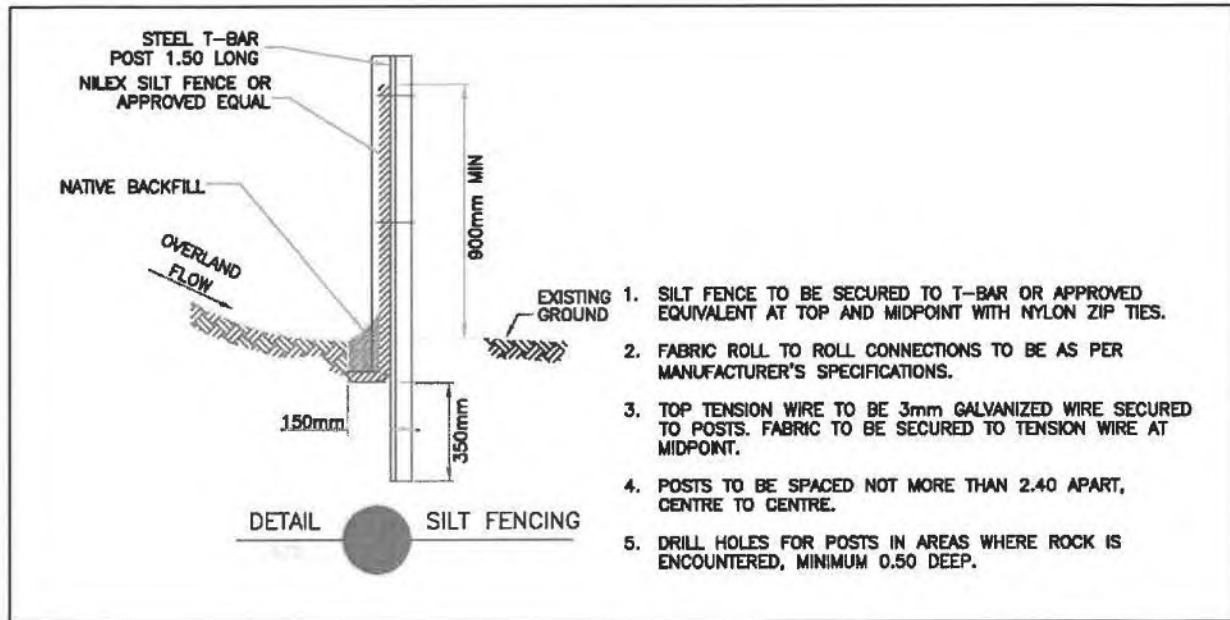
Date of Issuance

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NP-TUP-2023.5

SCHEDULE 'C'

SILT FENCE SPECIFICATIONS



I hereby certify this to be Schedule C which is attached to and forms part of Temporary Commercial and Industrial Use Permit No. NP-TUP-2023.5.

Signature of Islands Trust Official

July 31, 2023

Date of Issuance

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NP-TUP-2023.5

SCHEDULE 'D'

DUST SUPPRESSION

MINIMIZING SOURCES FOR DUST EMISSIONS – Excerpted from 'Recommended Guidelines for Environmental Management Practices for Canadian Ready Mixed Concrete Industry'

The plant manager's air quality management program should address the following objectives:

- Identify all sources for dust emissions that are released into the atmosphere from the plant and property by plant operations.
- Collect airborne particulates from point source dust emissions through air filtration mechanisms where practical.
- Suppress the airborne particles from fugitive source dust emissions generated from the plant and property site.
- It is important for any air quality management program to also consider local climatic conditions for the plant site, with consideration for prevailing wind directions, average daily temperatures and seasonal precipitation.

Batch Plant Operations

The handling or transfer of aggregates and other raw materials into or within the batch plant can help minimize and eliminate batch plant dust emissions. Some alternatives for minimizing dust emissions from batch plant operations:

- Fine tune the batching sequence to deliver a smooth, controlled flow of raw material into the plant mixer
- Consider covers or partial enclosures for elevated conveyors into plant
- Enclose or shield aggregate storage areas and transfer points

Aggregate Storage and Handling

The storage or handling of aggregates and any other raw materials around the plant site can help minimize and eliminate plant site dust emissions. Some alternatives for minimizing dust emissions from aggregates storage:

- Consider higher moisture content in aggregates delivered to yard
- Partial enclosures or below grade pads for aggregate stockpile areas
- Minimize exposed surface area of aggregate stockpiles
- Minimize number of transfer points for raw materials
- Minimize drop heights for conveyor or hoppers

Traffic Areas

Some alternatives for minimizing dust emissions from plant site traffic:

- Consider paving or hard surfacing of high traffic areas around yard
- Keep paved or hard surfaced areas clean
- Dust suppression using water or chemical dust suppressants

Diesel Engine Exhaust Emissions

Diesel engine exhaust systems for all fixed and mobile equipment in use at the plant site provide multiple point source emissions. As mixer trucks wait in the yard, it is important to minimize the amount of engine idling time to reduce exhaust emissions and save fuel.

Maintaining correct engine-operating temperatures also helps in reducing exhaust emissions and prolongs equipment life. A regular preventive maintenance program will keep equipment and vehicle

engines running at optimal performance. Equipment and vehicle pollution control devices should be included as part of the regular maintenance inspection.

Dust Suppression

Small water droplets, produced by water spray bars, are effective as a dust suppression measure. The dust particles cling to the small water droplets, preventing the dust particles from becoming airborne. Some best management practices for dust suppression:

- Using a water spray bar or spray ring to rinse down the charge hopper at the truck mixer load point.
- Using a water truck with spray bars for wetting down plant yard surfaces and roadways.
- Wetting down aggregate stockpiles using water spray bars or sprinklers.

These best management practices for dust suppression would also require coordination with water management for the plant site and property:

- Using spray bars for dust suppression at aggregate transfer points (e.g., at the end of the conveyor belt which charges the aggregate bins).
- Installing a soaker hose or spray bar at the plant yard entrance for mixer truck wheel wash.
- Water used for dust suppression purposes should not be allowed to mix with surface runoff from the plant property.

I hereby certify this to be Schedule D which is attached to and forms part of Temporary Commercial and Industrial Use Permit No. NP-TUP-2023.5.



Signature of Islands Trust Official

July 31, 2023

Date of Issuance

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NP-TUP-2023.5

SCHEDULE 'E'

CHECKLIST

Checklist for Compliance with Environmental Management Plan (Islander Engineering, Oct. 2019)

CONDITION/REGULATION	COMPLETED /COMPLIANT (Y/N)	SCHEDULE DATE TO BE COMPLETED/COMMENTS
ENVIRONMENTAL MGMT ACT		
- Contaminated Sites Regulation		
- Fisheries Act		
- Waste Discharge Act		
- Spill Reporting Regulation		
- Hazardous Waste Regulation		
- Water Sustainability Act		
ASSIGNMENT OF ROLES & RESPONSIBILITIES (p.5)		
- Supervisor		
- Health, Safety & Environmental Representative		
- All Employees		

5. WATER MANAGEMENT

5.1.1 Wastewater Reduction (BMP):

- Minimize the need for exterior truck washing by controlling dust losses from the batching area;		
- Train employees with regards to water use, ensuring that they understand the importance of controls and the possible impact to the environment and company liability;		
- Limit or eliminate freshwater use by recycling processed water and using captured storm water runoff wherever possible; Reduce total water usage during drum washout by using multiple small rinses, rather than large volume single rinses;		

I hereby certify this to be Schedule E which is attached to and forms part of Temporary Commercial and Industrial Use Permit No. NP-TUP-2023.5.

Signature of Islands Trust Official

July 31, 2023

Date of Issuance

CONDITION/REGULATION	COMPLETED /COMPLIANT (Y/N)	SCHEDULE DATE TO BE COMPLETED/COMMENTS
- Consider the use of hydration stabilization admixtures;		
- Consider dry washout procedures;		
5.1.2 Water Collection/Containment (p.9)		
- All paved surfaces within the batching area should be curbed and graded to allow for effective capture and collection of wastewater;		
- Any surface water not related to concrete production should be directed away from wastewater collection areas;		
- Equipment and vehicular traffic should be minimized through batching area where wastewater may be present;		
- Sufficient capacity must be provided for wastewater holding tanks / basins;		
- Wastewater holding tanks / basin shall be impermeable;		
- Sufficient secondary containment (i.e., berms) shall be provided to capture any overflow from wastewater holding facilities.		
- Any breaches in containment facilities that cause release of wastewater to the environment shall be considered a spill incident and spill response measures, described in Section 6, shall be followed.		

CONDITION/REGULATION	COMPLETED /COMPLIANT (Y/N)	SCHEDULE DATE TO BE COMPLETED/COMMENTS
5.2. Storm Water Runoff		
5.2.2 BMP:		
- Encourage surface water to seep into the soil naturally;		
- Preserve natural vegetation where possible;		
- If possible, retain woody debris and organic matter on-site as mulch;		
- Roughen or terrace slopes to prevent erosion. Limit slope steepness and length to reduce runoff velocity;		
- Cover soil stockpiles and bare slopes with mulch, tarps, etc;		
- Re-vegetate or landscape disturbed areas of the Site as soon as possible. If areas of the Site must be left disturbed during the rainy seasons, sow a temporary cover crop,		
- apply mulch or lay geotextile to stabilize exposed soils;		
- Keep machinery within specific access areas. Limit the extent of machine access areas to the minimum necessary to conduct operations in a feasible and practical manner;		
- Control disposal or runoff of water containing suspended materials or other harmful substances in accordance with federal, provincial and municipal requirements;		
- If it is not possible to isolate and divert flowing water from a work area (due to water depth and volume) isolate works with a structure (e.g., silt curtain, sand bags, earthen berm, etc.) to keep silty water from leaving the Site;		

CONDITION/REGULATION	COMPLETED /COMPLIANT (Y/N)	SCHEDULE DATE TO BE COMPLETED/COMMENTS
- Avoid clearing vegetation from work zones during snowmelt or heavy rains;		
- Isolate work / excavation areas from all flowing water;		
- Inspect all silt fences and other controls (i.e., catch basin inserts, stop logs) on a daily basis prior to the start of work and correct deficiencies immediately. Pay special attention in areas where construction activities have changed natural contours or drainage patterns to ensure that controls are properly located for effectiveness		
5.3 Water Treatment		
- Protocol in place for overflow incidents		

CONDITION/REGULATION	COMPLETED /COMPLIANT (Y/N)	SCHEDULE DATE TO BE COMPLETED/COMMENTS
6. CHEMICAL AND PETROLEUM HYDROCARBON MANGEMENT		
6.2 Storage and Handling		
- Concrete additives are currently stored within manufacturer containers within a covered, plastic sheet-lined secondary containment structure at the top of the batch plant.		
- Mechanical fluids (oils / waste oils) are stored within a transportation seacan with a welded lip at the entrance, which provides secondary containment to small jugs of hydraulic fluid within. Waste oil is stored within an above ground storage tank within a separate plastic sheet-lined cell within the seacan.		
- Fuel is stored within fuel tanks and tidy tanks aboard various vehicles and equipment throughout the Site. There is no bulk fuel storage on Site		
Best Management Practices		
- Locate storage facilities away from high traffic areas, with reasonable protection from vehicle / equipment damage;		
- Provide storage areas with a means (i.e., lock and key) to control access to the materials so that only authorized (e.g., trained) personnel may remove and use the materials;		
- Ensure tanks are corrosion-resistant and stable / anchored securely on a flat surface;		
- If possible, store drums and pails of related products in same area;		

CONDITION/REGULATION	COMPLETED /COMPLIANT (Y/N)	SCHEDULE DATE TO BE COMPLETED/COMMENTS
- Ensure all materials are properly labelled and remain in original containers with lid intact for as long as reasonable for Site operations;		
- Protect liquids from freezing, where applicable;		
- Provide minimum 120% secondary containment for all volumes of liquid stored;		
- Provide with a means of segregating combustible and flammable materials from oxidizing agents and other sources of ignition (i.e., away from sparks and/or with physically separated storage areas)		
- Provide with a means of preventing water reactive and pyrophoric materials from coming in contact with accumulated water (i.e., roofed enclosures)		
- Provide emergency spill kits/supplies within the storage area, including fire extinguishers, non-sparking shovels, sand bags, etc.		
6.3 Disposal		
- Source reduction procedure in place		
- Returns procedure in place		

CONDITION/REGULATION	COMPLETED /COMPLIANT (Y/N)	SCHEDULE DATE TO BE COMPLETED/COMMENTS
7. SPILL RESPONSE AND PREVENTION		
7.1 Spill Response		
- Spill Response Steps reviewed by all staff (pp. 14 -16)		
- Spill Response Steps posted in appropriate areas		
7.2 Spill Response Equipment		
- Standard Spill Kit		
- Vehicle Spill Kit		
7.3 Spill Prevention (BMP)		
- Equipment is to be inspected daily to ensure that it is leak-free and functioning as intended. All fuel/oil caps will be manually checked to ensure that they are tightened down. Equipment will be tagged out of service if found to be leaking. Servicing of equipment that is absolutely necessary on-site is to be done within containment areas (i.e., bermed or otherwise isolated) or at an appropriate work yard operated by the contractor or his supplier;		
- Equipment or machinery found to be leaking will have containment trays/buckets placed under drips/leaks that cannot be stopped (e.g., cannot be drained into an appropriate container), will have absorbent pads wrapped around leaky connections or placed under areas where a tray or bucket cannot be fitted, etc.). The person identifying the malfunction or accidental leak will notify the foreman or site supervisor, who will arrange repairs or transport off-site, and/or mechanic, if on site.		

CONDITION/REGULATION	COMPLETED /COMPLIANT (Y/N)	SCHEDULE DATE TO BE COMPLETED/COMMENTS
- All workers/operators will be responsible for cleaning up observed leaks and/or wiping down equipment, even if the leak or spill is non-reportable.		
- Grease and oil required for maintenance will be properly applied. Excess will be cleaned up and disposed of in an environmentally appropriate manner, as will all containers, lids, and contaminated cloths and applicators.		
- During fuelling of larger compressors, light plants, etc., a portable drip tray lined with absorbent pads will be placed under the fuel tube and cap area. Absorbent pads will be used to wipe off any drips on the fuel spigot or side of equipment.		
- Jerry cans will be stored within a sealed tool box tray with lid or other suitable storage locker with ventilation, and placed in a containment tray when outside of the storage container.		
- When heavy machinery is not in use (i.e., overnight, weekends, or idle for the day), a portable drip tray will be placed under the main engine compartment.		

CONDITION/REGULATION	COMPLETED /COMPLIANT (Y/N)	SCHEDULE DATE TO BE COMPLETED/COMMENTS
- Fire extinguishers and other emergency response equipment and supplies will be kept in known and visible locations and access to them will not be blocked by other materials or equipment. A list of emergency contacts will be posted at predetermined, accessible and visible locations, as well as kept with the emergency response equipment. By law, fire extinguishers are routinely inspected and certified, as is other fire-suppressant equipment and materials.		
- Waste oil or materials will be removed from site as soon as possible in accordance with Transportation of Dangerous Goods requirements and the BC Special Waste Regulations.		
- The Emergency Spill Response Plan will be implemented when required.		
- The Emergency Spill Response Plan will be posted on-site, and all personnel made aware of its content and location of response materials, as well as emergency contact names and numbers.		
- Oil spill response materials and equipment, such as absorbent pads, booms and leak proof containers, will be kept on-site in sufficient quantities and in an easily accessible location to contain and clean up the amount of fuel, oil or other petroleum hydrocarbons used/stored on site.		

CONDITION/REGULATION	COMPLETED /COMPLIANT (Y/N)	SCHEDULE DATE TO BE COMPLETED/COMMENTS
8. MONITORING AND REPORTING		
8.1 Environmental Consultant		
- Scheduled Follow-Up Monitoring (Wet Season)		
- Annual Monitoring		
8.2 Gulf Excavating Ltd.		
- Procedure for weekly Site Inspection including completion of 'Environmental Monitoring Checklist/Report' with each inspection.		

[illegible]

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-TUP-2023.5
SCHEDULE 'F'
LANDSCAPE PLAN



I hereby certify this to be Schedule F which is attached to and forms part of Temporary Commercial and Industrial Use Permit No. NP-TUP-2023.5.

Signature of Islands Trust Official

July 31, 2023

Date of Issuance

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-TUP-2023.5
SCHEDULE 'G'

PLANTING SCHEME

Islandscapes

3724 Port Road, Pender Island, BC V0N 2M2 250.629.6053

July 4, 2018

Proposed Landscape Plan for Gulf Excavating Temporary Use Permit Application:

1. South and east areas bordering proposed new driveway at Bedwell Harbour Road and Otter Bay Road: restore farm pastureland by removing invasive species, primarily broom. Finish rake areas with farm equipment and seed with pasture seed mixture. Do not change existing grades or natural contours, retain native trees and shrubs. The natural contours completely screen the proposed temporary use application area from view.

2. There is a 50 foot strip below the upper pond and an adjacent 10 foot strip that should be planted to screen the temporary use application area from view from Bewell Harbour Road. These areas at base of upper pond dam to be planted with 10 *Chamaecyparis lawsonia* 5 gallon (Leyland cypress) on staggered 6 foot centers to provide coniferous screen **section deleted** 15 feet away from the base of the dam. The area in front of the cypress closest to Bedwell Harbour Road to be planted with 4 *Malus fesca* 3 gallon (Pacific crab apple), 3 *Holodiscus discolor* 3 gallon (ocean spray) and 3 *Philadelphus lewisii* 3 gallon (native mock orange). Sizes are suggested, and will depend on availability. These native shrubs will soften the informal cypress hedge and allow it to act as a pollinator-attracting hedgerow. Disturbed soils to be finish raked and seeded with a low growing fescue grass mixture to hold soils while plants are established. Plantings to be screened from deer and irrigated for a period of three years.

I hereby certify this to be Schedule G which is attached to and forms part of Temporary Commercial and Industrial Use Permit No. NP-TUP-2023.5.

Signature of Islands Trust Official

July 31, 2023

Date of Issuance

* Leyland cypress are fast-growing conifers that provide excellent screening. They are not native to the island. The native alternative would be *Thuja plicata* (Western Redcedar). It would not necessarily be appropriate to the area as it has higher water needs than the area will provide over time. Many of the island cedar are dying.

3. A 6 foot high solid cedar gate to be built at proposed emergency access road (existing driveway) at the entrance to the temporary use application area to complete visual screening from Bedwell Harbour Road.

4. Estimated cost:

- pull broom with excavator special attachment: 3,780.00
- finish rake and seed with farm equipment: 1,500.00
- seed: 570.00
- plant material: 1,019.20
- irrigation and screening: 450.00
- wooden gate: 1,500.00

File: 2501141

July 14, 2025

Barbara Johnstone and Aaron Grimmer
Pender Island BC

Attention: Barbara Johnstone and Aaron Grimmer

**Re: Installation of Groundwater Monitoring Well at Concrete Plant, 4415 Bedwell
Harbour Road, Pender Island**

As requested, Hy-Geo Consulting has prepared the following report on the recent installation of a groundwater monitoring well located down gradient from the concrete batch plant. The installation of a monitoring well was a requirement for property under the Temporary Use Permit, NP-TUP-2023.5 (Grimmer) issued by the North Pender Island Local Trust Committee (2023).

Site Location

The monitoring well was constructed on June 30, 2025 on a portion of Lot 1, Section 18, Pender Island, Cowichan District, Plan VIP59806 (PID: 018-948-421) as shown in Figure 1. The location and proposed depth of the well was previously discussed with Brad Smith, Islands Trust Planner on January 29, 2025.

Monitor Well Construction

The monitoring well was constructed by Gulf Excavating Ltd., to a depth of 15 feet (4.6 m) utilizing an excavator (Photo 1, Appendix A). The excavation encountered 1 foot of organic topsoil underlain by 2 feet of buff stiff clay followed by 12 feet of grey clay and shale (Photos 2 and 3, Appendix A). Groundwater was observed below a depth of 11 feet (3.4 m) on some of the fracture surfaces in the shale. After completing the excavation to a depth of 15 feet (4.6 m), a 20 foot (6.1 m) length of 6 inch diameter PVC thermoplastic casing with the bottom 5 feet (1.5 m) slotted was set in the excavation (Photo 4, Appendix A). Water as observed coming at the bottom of the excavation (Photo 5, Appendix A). Clean gravel with sand (Photo 6, Appendix A), was backfilled around the slotted portion of the casing to within 8 feet of the ground surface and the remainder of the excavation was initially filled in with the excavated materials to within 3.5 feet (1.1 m) of the ground surface. A temporary 8 inch diameter surface casing 4 feet (1.2 m) in length was then set over the 6 inch diameter well casing and the annular space between the casings filled with medium-sized bentonite pellets (Photo 7, Appendix A). The area around the 8 inch diameter casing was

then backfilled in stages with more of the excavated materials while the 8 inch diameter casing was being pulled back until the excavation was completely filled leaving the monitor well casing sticking up 25 inches above the ground surface. Figure 2 shows the design of the monitor well as completed prior to pulling the temporary surface casing. Photo 8, Appendix A, shows the temporary surface casing being removed and Photo 9, Appendix A shows the completed monitor well with 25 inch stick-up.

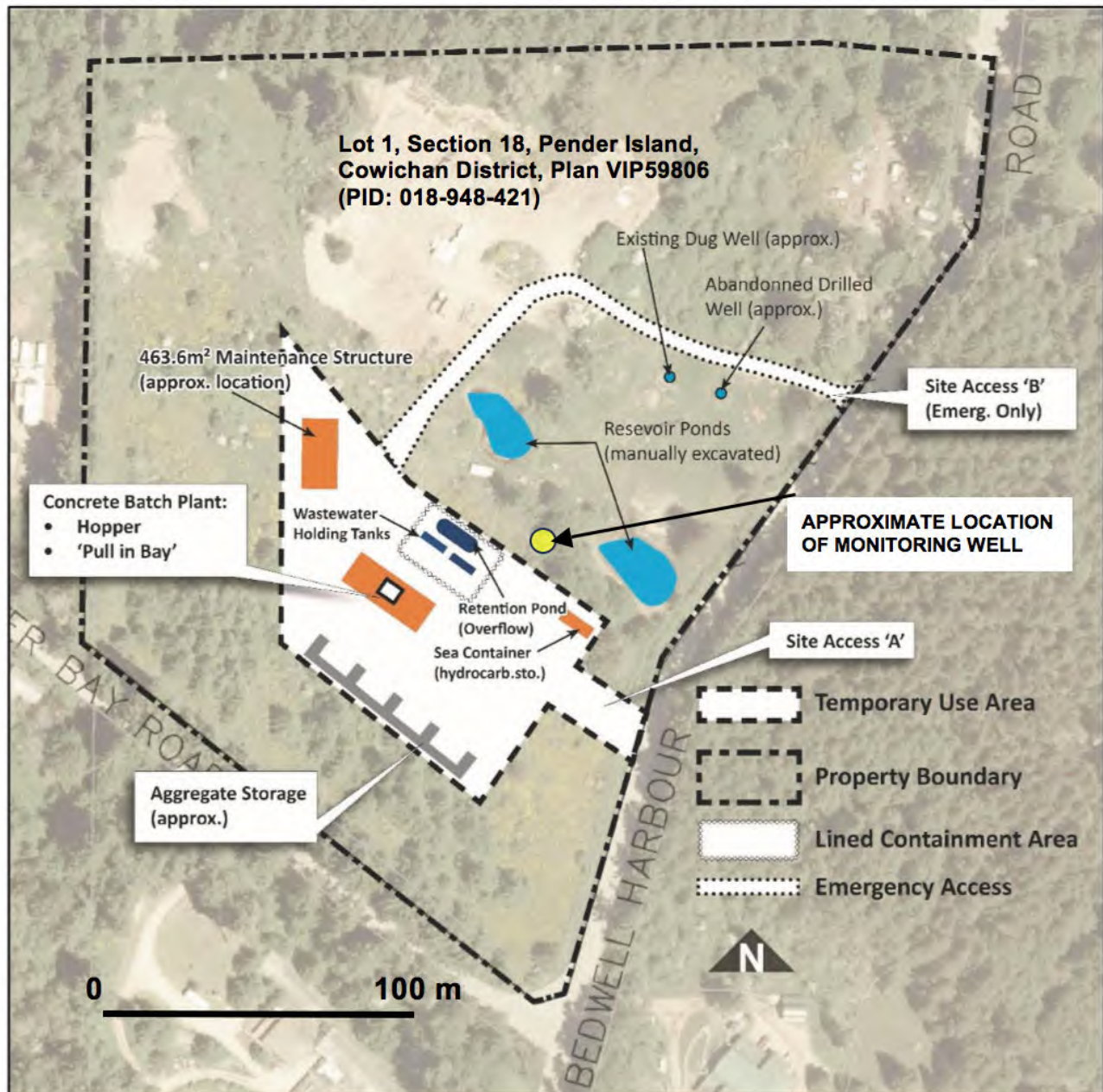


Figure 1. Approximate location of monitoring well constructed on June 30, 2025. Basemap from North Pender Island Local Trust Committee (2023).

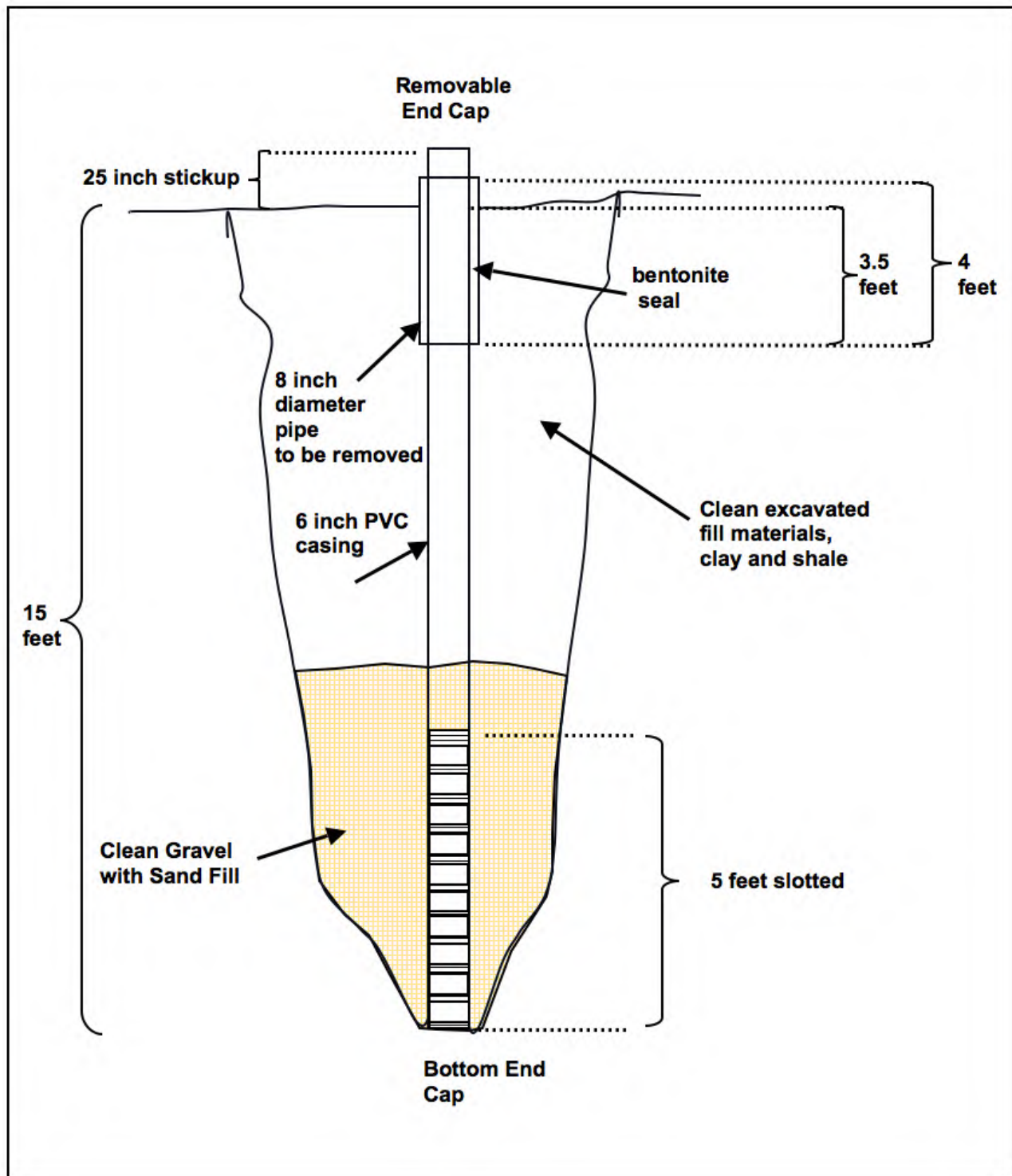


Figure 2. Schematic of monitor well installation, not to scale.

Conclusions

Based on the above, the following relevant conclusions can be made:

1. A 6 inch diameter PVC monitor well was successfully completed on June 30, 2025 to a depth of 15 feet, down gradient from the concrete batch plant as required under the Temporary Use Permit, NP-TUP-2023.5 (Grimmer) issued by the North Pender Island Local Trust Committee (2023).
2. The excavation encountered 1 foot of organic topsoil underlain by 2 feet of buff stiff clay followed by 12 feet of grey clay and shale.
3. Groundwater was observed along fractures and bedding planes within the clay and shale materials encountered at the site below a depth of 11 feet (3.4 m) and groundwater was present in the excavation when the well casing was installed.
4. The monitor well was constructed by excavation and completed in accordance with requirements under the *Groundwater Protection Regulation* (Province of British Columbia, 2025), including Section 20 Casings and liners, Section 22 Surface seal, Section 33 Casing stick-up, Section 35 Slope of surface of ground around wellhead, Section 38 Well caps, and Section 77 Well construction reports submitted to well owner only. A copy of the well construction report is provided in Appendix B.

Recommendations

The following recommendations are provided for implementation.

1. As the monitor well was completed with PVC thermoplastic casing it would be important to protect the casing from future damage by installing a larger diameter steel casing with a lockable well cap over the plastic casing. This would be in compliance with Section 34 Protection of thermoplastic casings under the *Groundwater Protection Regulation*. Care should be taken not to excavate the bentonite seal around the plastic casing when installing the steel casing. The stick-up of the plastic casing could also be reduced to 12 inches if necessary.
2. Prior to any groundwater sampling of the monitor well it would be prudent to bail several well volumes from the well before sampling.

Closure

This report was prepared in accordance with generally accepted engineering, hydrogeological and consulting practices. It is intended for the prime use of Barbara Johnstone and Aaron Grimmer in connection with its purpose as outlined under the scope of work for this project. This report is based on data and information available to the author from various sources at the time of its preparation and the findings of this report may therefore be subject to revision. Data and information supplied by others has not been independently confirmed or verified to be correct or accurate in all cases. Any errors, omissions or issues requiring clarification should be brought to the attention of the author. The author retains full copyright of the material contained in this report. The author and Hy-Geo Consulting accepts no responsibility for damages suffered by any third party as a result of any unauthorized use of this report.

Respectfully submitted,



Alan P. Kohut PEng.
Principal and Senior Hydrogeologist

HY-GEO CONSULTING
Permit to Practice Number: 1001034

References

North Pender Island Local Trust Committee. 2023. *Temporary Use Permit, NP-TUP-2023-5 (Grimmer), 4415 Bedwell Harbour Road.*

Province of British Columbia. 2025. *Groundwater Protection Regulation, Water Sustainability Act.* Consolidated to November 29, 2022. Internet website https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/39_2016

Appendix A

Photographs taken June 30, 2025.



Photo 1. Excavator employed to install monitor well, June 30, 2025.



Photo 2. Exposed upper portion of soils in excavation for monitor well, June 30, 2025.



Photo 3. Excavated material comprised of soft grey clay and alternating harder layers of grey mudstone and shale, June 30, 2025.



Photo 4. 6 inch diameter PVC well casing set in excavation to depth of 15 feet (4.6 m), June 30, 2025. Casing was subsequently cut to provide a 25 inch (63.5 cm) stick up above ground level.



Photo 5. Monitor well casing set in excavation. Note water in bottom of excavation, June 30, 2025.



Photo 6. Gravel with sand material for backfill around slotted section of well casing, June 30, 2025.



Photo 7. Pouring bentonite pellets between 6 inch diameter well casing and temporary 8 inch diameter surface casing, June 30, 2025.



Photo 8. Pulling out 8 inch temporary surface casing, June 30, 2025.



Photo 9. Completed 6 inch diameter monitoring well, June 30, 2025.

Appendix B

Well Construction Report



200-1627 Fort Street, Victoria, BC V8R 1H8
Telephone 250 405-5151 Fax 250 405-5155
Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC
1.800.663.7867
Email information@islandstrust.bc.ca
Web www.islandstrust.bc.ca

June 19, 2024

File Number: NP-RZ-2024.1 (Grimmer)

Attn: Aaron Grimmer
Via email:

Dear Aaron Grimmer

Re: Rezoning Application NP-RZ-2024.1 (Grimmer) - Terms of Reference - 4415 Bedwell Harbour Road, North Pender Island (PID 018-948-421).

The North Pender Island Local Trust Committee (LTC) received a preliminary report for rezoning application NP-RZ-2024.1 (Grimmer) at the April 5, 2024 LTC meeting. At that meeting, the LTC passed a resolution to proceed with the application, including the drafting of amending bylaws and the issuance of a Terms of Reference (TOR).

Consistent with the [North Pender Island Development Approval Information Bylaw No. 134](#) (DAI Bylaw), the objective of this TOR is to identify and request any anticipated information from the applicant in a timely manner, and as early as possible in the process.

The information received by Islands Trust in your application package includes:

1. Completed application form
2. Letter of Intent
3. Survey plan depicting area proposed for rezoning
4. Preliminary site plan drawings
5. Statement of Title Certificate
6. Site Disclosure Plan
7. Water License approval documentation

Additional information required to proceed with your application includes:

- 1) A **site plan** professionally prepared at an appropriate scale, based on the existing legal survey, delineating the proposed area for rezoning and all existing and proposed buildings and structures, roads and driveways, topographic features, and any significant sensitive habitat features.
- 2) **Conditional Water License NO. 504995** has been submitted by the applicant. This license was approved on May 8, 2023 and permits up to a maximum quantity of 3 cubic metres per day for the commercial concrete plant enterprise. As such, at this time, there are no further submission requirements to demonstrate adequate water supply. However, an updated **Water Management Plan** will be required, as further described in the Environmental Assessment section below.
- 3) A **septic disposal report**, prepared by a registered onsite wastewater practitioner, for the septic servicing of the proposed shop building consistent with section 8.13 of the LUB.

- 4) An updated **Environmental Assessment** report that includes:
 - a. A completed **compliance monitoring checklist** as shown on Schedule 'E' of NP-TUP-2033.5 to monitor adherence to the current 'Environmental Management Plan' including recommendations for mitigation of any issues identified on the checklist;
 - b. A review and update of the current **Environmental Management Plan** in consideration of any changes proposed through rezoning including recommendations for mitigation of any issues identified. The report must include sections on water management, chemical and petroleum hydrocarbon management, spill response and prevention, and monitoring and reporting; and an updated compliance monitoring checklist that captures any new/altered conditions for use in potential future monitoring.
- 5) Photographic or other proof that work is completed to install a **groundwater monitoring well** down gradient from the concrete batch plant and water management area for monitoring of groundwater quality. This is also a condition of NP-TUP-2023.5.

Groundwater Monitoring

dd) A groundwater monitoring well shall be installed down gradient from the concrete batch plant and water management area within one (1) year of the issuance of this permit to allow for monitoring of groundwater quality resulting from TUP activities.

- 6) **Development Permit Areas** - There are currently no development permit areas (DPAs) affecting the area proposed for rezoning. However, the applicant should be aware that if this area of the property is rezoned to an Industrial zone, the requirements of **DPA 9 - Commercial and Industrial Form and Character** will then apply and a Development Permit will be required for the commercial operation of the concrete plant. DPA 9 guidelines start on p. 85 of the [OCP](#).
- 7) **Land Title Act s. 219 covenant** - The applicant should be aware that the LTC may seek further conditions of rezoning to be established as part of a s.219 covenant. A s.219 covenant is a charge secured against the title to a property in favour of the LTC to impose an obligation on the property owner, as per the provisions of s.219 of the *Land Title Act*. In this case, a s. 219 covenant could include conditions not captured through rezoning in the LUB such as the inclusion of a detailed site plan, specific construction requirements, environmental monitoring and reporting obligations, and other limits on the proposed land use and development.
- 8) **Archaeological Material** - The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. In this case, there is a portion of a registered archaeological site located on the subject property near the proposed area of rezoning, and archaeological potential identified on other areas of the subject property.

To provide the applicant with awareness regarding potential archaeological sites, including what to do if archaeological materials are encountered during development, staff include the Islands Trust Chance Find Protocol and the provincial Archaeological Branch *Heritage Act* guidelines as attachments to this TOR.

Reporting Requirements

With respect to any reporting requirements listed above, the applicant and/or professional must, in accordance with generally accepted impact assessment methodology, ensure the reports:

- (a) identify relevant baseline information and document the nature of the resource or other matter on which the proposed activity or development may have an impact;
- (b) identify and describe the potential and likely impacts of the activity or development including any cumulative effects when combined with other projects proposed or under development;
- (c) evaluate the impacts in terms of their significance and the extent to which and how they might be mitigated; and
- (d) make recommendations as to conditions of approval that may be appropriate to ensure that undesirable impacts are minimized or avoided, and
- (e) make recommendations as to measures that may restore or enhance natural functions or features that have been damaged or degraded prior to development or that would be impacted by the proposed development.

This information must be prepared by a professional or professionals in good standing with his/her professional organization within British Columbia, acting within his/her area of expertise, and with demonstrated and pertinent experience and/or training.

Please also note that the Islands Trust reserves the right to require additional information or clarification in response to the project reports. Any additional requirements will be provided in writing and will identify the additional information required in as clear and specific manner as possible.

If you have any questions concerning the application or TOR requirements stated above, please do not hesitate to contact me.

Sincerely,



Brad Smith
Island Planner, North Pender Island Local Trust Area

Attachment 1. Islands Trust Chance Find Protocol
Attachment 2. Provincial Archaeological Branch *Heritage Act* guidelines

pc: Robert Kojima, Regional Planning Manager

Archaeological sites are the physical remains of past human activity. There are over 61,000 known archaeological sites in British Columbia representing thousands of years of human history. The **Heritage Conservation Act (HCA)** recognizes the historical, cultural, scientific, and educational value of archaeological sites to First Nations, local communities, and the general public. Archaeological sites on both public and private land are protected under the HCA and must not be altered or damaged without a permit issued by the Province of British Columbia's Archaeology Branch.

Receipt of this form indicates that your local government has reviewed the records of the Archaeology Branch to determine whether your proposed activities are likely to impact a protected archaeological site. By identifying overlaps with archaeological sites early in the planning and development process, appropriate and timely steps can be taken that support an efficient development process. You should be aware that there are limitations concerning this review; please read the Provincial disclaimer below.¹

Your property or project area falls into the selected category:

☒ **Direct overlap with protected archaeological site(s):** _____

Provincial records indicate that an archaeological site protected under the HCA is recorded within your property or project area.

- Your proposed activities may impact the protected archaeological site.
- You must obtain a site alteration permit issued by the Archaeology Branch before impacting the site.
- Completing an application for an alteration permit usually requires archaeological expertise. It is also possible that further archaeological study will be required before the Archaeology Branch will approve an alteration permit. You may consider engaging an eligible consulting archaeologist (see page 2) to confirm the results of this review and assist you in establishing permit requirements with the Archaeology Branch.
- Disturbance of a protected archaeological site without an alteration permit is a contravention of the HCA and may result in substantial fines and development delays.
- The archaeological site impact management and permit process is summarized on page 2. If you have questions about the process, contact the Archaeology Branch.

☐ **Direct overlap with an area of high archaeological potential**

Provincial records indicate your property or project area has high potential to contain an archaeological site protected under the HCA, either because the area has been previously assessed for potential or there is a known archaeological site within 50 m that may extend beyond its recorded boundaries.

- Your proposed activities may impact an unrecorded archaeological site. Archaeological sites are protected under the HCA, even if they have not yet been identified and recorded.
- Disturbance of a protected archaeological site without a permit is a contravention of the HCA. Accidental discovery of an unknown archaeological site during development requires activities to be halted and the Archaeology Branch contacted for direction; significant development delays may result while permit requirements are established.
- To avoid the possibility of unauthorized archaeological site impacts and development delays, you may wish to engage an eligible consulting archaeologist (see page 2) to determine in advance whether your activities are likely to impact an unrecorded protected archaeological site.
- The archaeological site impact management and permit process that you will need to follow if an archaeological site is encountered before or during development activities is summarized on page 2. If you have questions about the process, contact the Archaeology Branch.

☐ **No identified overlap or low potential for archaeological sites**

Provincial records do not indicate known archaeological sites or areas of archaeological potential within your property or project area.

- Provincial records may be incomplete with regard to archaeological potential in your area.
- There is always a possibility for unrecorded archaeological sites to exist. Archaeological sites are protected under the HCA, even if they have not yet been identified and recorded.
- If an archaeological site is encountered, development activities must be immediately halted, and the Archaeology Branch contacted for direction at 250-953-3334 or archaeology@gov.bc.ca.

¹ **Provincial Disclaimer:** The Archaeology Branch of the Province of B.C. is responsible for the administration of the *Heritage Conservation Act*. It is not administered by local governments. In completing this form, local government staff rely on information provided by the Archaeology Branch. Any questions regarding this document should be directed to the Archaeology Branch or to an eligible consulting archaeologist. The information in this document is based on a search of provincial records. There are archaeological sites in B.C. that are unknown and not recorded. The Province makes no representations or warranties with respect to the accuracy or completeness of this information. Persons relying upon it do so at their own risk.

Archaeological Site Impact Management and Permit Process

Archaeological sites are protected under the *Heritage Conservation Act* (HCA) and must not be altered or damaged without a permit issued by the Province of British Columbia's Archaeology Branch. The archaeological site impact management and permit process is summarized below. This summary applies to most situations where small-scale development plans overlap with protected archaeological sites. There are always exceptions that can be explained to you by an archaeologist or the Archaeology Branch as you proceed through the steps. Major development projects may be subject to additional requirements that are beyond the scope of the basic process described below.

If your property or project area contains a protected archaeological site:

You must obtain a s. 12.4 alteration permit issued by the Archaeology Branch before conducting activities that will impact a protected archaeological site. Permit applications are available on the Archaeology Branch website. However, completing a permit application usually requires archaeological expertise. Most applicants will therefore engage a professional archaeologist to review development plans, verify archaeological records, confirm that an alteration permit is required, complete the permit application, and work with the Archaeology Branch on the applicant's behalf to ensure all HCA permit requirements are met.

The archaeologist may conclude, after a desktop review or a preliminary walk-over, that your activities will not impact the archaeological site. The archaeologist should send a letter stating their professional opinion to the Archaeology Branch. You may no longer require an alteration permit to proceed with your activities, provided they don't change.

In other cases, the archaeologist and/or the Archaeology Branch may conclude that an alteration permit cannot be issued because archaeological records contain insufficient information on the nature, extent, integrity, and significance of the archaeological site. It is important that this information be on record before your activities irreparably alter the site. You may therefore be required to furnish additional archaeological site information. It might be possible to obtain the required information via a more in-depth review of the existing archaeological records. Alternatively, you may need to arrange for an archaeological impact assessment (AIA) to collect the necessary data.

If an Archaeological Impact Assessment is recommended:

An AIA is conducted by an archaeologist under an inspection permit. The permit allows the archaeologist to conduct subsurface tests to collect information about the archaeological site. The AIA results in recommendations for managing impacts to the archaeological site. The archaeologist's recommendations and their feasibility should be discussed with you before they are submitted to the Archaeology Branch. Common recommendations include:

- Changing building plans or construction techniques to reduce or avoid archaeological site impacts.
- Proceeding with an alteration permit with or without concurrent archaeological studies, depending on the expected degree of impact to the site.
- No further archaeological study or permits required.

The Archaeology Branch will review the AIA recommendations and determine next steps. **Note that the application process for all Archaeology Branch permits takes a minimum of 8-12 weeks from the date the application is submitted.** Contact an eligible consulting archaeologist for time and cost estimates. The Archaeology Branch does not charge a fee for processing and issuing permits.

Contact an eligible consulting archaeologist:

An eligible consulting archaeologist is in good standing to hold a Heritage Conservation Act permit for archaeological studies in that Culture Area. Ask the archaeologist if they can hold a permit or contact the Archaeology Branch (250-953-3334) to verify an archaeologist's eligibility. Archaeologist may be found through the B.C. Association of Professional Archaeologists (www.bcapa.ca) or business directories.

Contact the B.C. Archaeology Branch:

B.C. Archaeology Branch, Ministry of Forests

Email: archaeology@gov.bc.ca

Telephone: 250-953-3334

Web: www2.gov.bc.ca/gov/content/industry/natural-resource-use/archaeology/private-commercial-or-development-property

Submit a Data Request Form to inquire about archaeological sites within your property or project area:

www.archdatarequest.nrs.gov.bc.ca



Chance Finds – Instructions for reporting findings of archaeological artifacts or human remains

The following provides important information from the British Columbia's Ministry of Forests Archaeology Branch¹ on how to respond if you discover an archaeological artifact or human remains on your property.

The most important step is to STOP WORK and not disturb any archaeological artifact or human remains that you may encounter. Then, please follow the instructions provided below depending on the nature of your discovery.

Report finding possible sites or artifacts

If you think you have discovered an archaeological site or artifact:

- Stop work. Do not disturb the site or artifacts. Please contact the B.C. Archaeology Branch via email at archpermitapp@gov.bc.ca (or archaeology@gov.bc.ca; 250-953-3334)

Report finding possible human remains

If you think you have discovered human remains:

- Stop work. Do not disturb the remains and please contact the B.C. Archaeology Branch immediately via email at archpermitapp@gov.bc.ca (or archaeology@gov.bc.ca; 250-953-3334)
 - The B.C. Archaeology Branch will notify the BC Coroners Service and the local policing authority. The BC Coroners Service will determine if the human remains are of archaeological significance. The B.C. Archaeology Branch may also arrange for a qualified anthropologist or archaeologist to provide an assessment of the remains and reach out to Local First Nations. Additional steps are taken from there.

Heritage Conservation Act obligations

Archaeological sites on both public and private land are protected under the Heritage Conservation Act, whether they are known or not, and must not be altered without a permit².

Suspected contraventions of the Heritage Conservation Act are investigated by Natural Resource Compliance and Enforcement. If you witness or are aware of a Natural Resource Violation, please fill out a Report of Natural Resource Violation form³ or call 1-877-952-7277, (Option 2) toll-free, or #7277 on a cellphone.

¹ <https://www2.gov.bc.ca/gov/content/industry/natural-resource-use/archaeology/report-a-find>

² see <https://www2.gov.bc.ca/gov/content/industry/natural-resource-use/archaeology/permits>

³ <https://forms.gov.bc.ca/industry/report-a-natural-resource-violation>



ISLANDER

ENGINEERING

September 13, 2026

Project No. 2181

**To: Aaron Grimmer
Gulf Excavation Ltd.
4415 Bedwell Harbour Road
North Pender Island BC**

**Re: Environmental Management Inspection (September 13 2026) at 4415 Bedwell
Harbour Road, North Pender Island BC**

Please find attached the Environmental Monitoring Checklist and Photo Log completed following the recent site inspection. The inspection was completed to review current site conditions and assess conformance with the existing Environmental Management Plan and applicable environmental management requirements.

Overall, site operations remain generally consistent with previous inspections. A number of housekeeping, and maintenance items were identified for correction; however, no evidence of significant uncontrolled discharge or obvious environmental impact was observed at the time of inspection.

A forthcoming update to the Environmental Management Plan will be prepared to reflect current site operations.

Please contact the undersigned with any questions.

Regards,
Sean Babulic, P.Eng



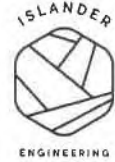
Attachments:

1. September 13 2026 Site Inspection Results
2. September 13 2026 Photo Log



Condition	Y / N	Comments	Photo
5. WATER MANAGEMENT			
5.1.1 Wastewater Reduction (BMP)			
Minimize the need for exterior truck washing by controlling dust losses from the batching area.	Yes	Calcium chloride dust suppressant is applied to site access roads by a third-party contractor, as required.	
Train employees regarding water use and the importance of controls and potential environmental/company liability.	Yes	Operator reports relevant staff are trained in operation of the water management system	
Limit or eliminate freshwater use by recycling processed water and using captured stormwater runoff wherever possible; reduce drum washout water through multiple small rinses rather than large single rinses.	Yes	Process waters appear to be used in closed loop and freshwater from dugout added only when needed to supplement.	
Consider the use of hydration stabilization admixtures.	Yes	Plastocrete -250 onsite in contained are next to batching area	3
Consider dry washout procedures.	Yes	Operator does not consider this to be appropriate.	
5.1.2 Water Collection / Containment			
All paved surfaces within the batching area should be curbed and graded to allow for effective capture and collection of wastewater.	Yes	Batching area is paved and loc-block production area is contained; however drainage requires maintenance to ensure free draining to water management area.	4-6
Any surface water not related to concrete production should be directed away from wastewater collection areas.	Yes	Concrete production area is generally contained to a small area with dedicated drainage to water management area.	
Equipment and vehicular traffic should be minimized through batching area where wastewater may be present.	Yes	Only concrete trucks entering batch area.	
Sufficient capacity must be provided for wastewater holding tanks / basins.	Yes	Available storage capacity was observed at the time of inspection; cleanout is required prior to the rainy season to maintain adequate wet-weather storage.	7-8
Wastewater holding tanks / basin shall be impermeable.	Yes	Liners observed within water-management area; no obvious breaches noted during visual inspection	

Condition	Y / N	Comments	Photo
Sufficient secondary containment (i.e. berms) shall be provided to capture any overflow from wastewater holding facilities.	Yes	Contained within lined lock-block water-management area; containment capacity appears adequate but volume not verified	
Any breaches in containment facilities that cause release of wastewater to the environment shall be considered a spill incident and spill-response measures followed.	Yes	Acknowledged by operator.	
Condition	Y / N	Comments	
5.2 STORM WATER RUNOFF – BMP			
Encourage surface water to seep into the soil naturally.	Yes	Acknowledged by operator.	
Preserve natural vegetation where possible.	Yes	No new disturbances noted.	
If possible, retain woody debris and organic matter onsite as mulch.	Yes	Acknowledged by operator.	
Roughen or terrace slopes to prevent erosion. Limit slope steepness and length to reduce runoff velocity.	Yes	Acknowledged by operator.	
Cover soil stockpiles and bare slopes with mulch, tarps, etc.	No	Some stockpiles uncovered. Ensure applicable stockpiles are covered during rainy season	9
Re-vegetate or landscape disturbed areas as soon as possible. If areas must remain disturbed during rainy seasons, sow a temporary cover crop.	Yes	No new disturbances noted.	
Apply mulch or lay geotextile to stabilize exposed soils.	Yes	No new disturbances noted.	
Keep machinery within specific access areas and minimize the extent of machine-access areas.	Yes	Acknowledged by operator.	
Control disposal or runoff of water containing suspended materials or other harmful substances in accordance with federal, provincial and municipal requirements.	Yes	Concrete-contact water is directed to the contained water-management area; no uncontrolled discharge was observed at the time of inspection	
Where flowing water cannot be isolated/diverted, isolate works with a structure such as silt curtain, sand bags or earthen berm to prevent silty water leaving the Site.	Yes	Acknowledged by operator.	
Avoid clearing vegetation from work zones during snowmelt or heavy rains.	Yes	Acknowledged by operator.	
Isolate work / excavation areas from all flowing	Yes	No excavations noted.	



Condition	Y / N	Comments	Photo
water.			
Inspect all silt fences and other controls daily prior to start of work and correct deficiencies immediately, particularly where drainage patterns have changed.	No	Silt fencing present down gradient of trafficked areas but requires maintenance prior to rainy season.	10
5.3 WATER TREATMENT			
Protocol in place for overflow incidents.	Yes	Operator reports wastewater is treated/recycled within the closed-loop system and excess storage capacity is maintained for wet-weather conditions. Maintenance prior to rainy season is required to ensure sufficient storage volumes.	
6. CHEMICAL AND PETROLEUM HYDROCARBON MANAGEMENT			
Concrete additives are stored in manufacturer containers within a covered, plastic-sheet-lined secondary-containment structure at the top of the batch plant.	Yes	Additive shed remains locked and covered.	11
Mechanical fluids / waste oils are stored within a transportation sea-can with welded lip providing secondary containment; waste oil stored in an AST within a separate plastic-sheet-lined cell.	Yes	Mechanical fluids stored in sea can as previously noted.	12
Fuel is stored within fuel tanks and tidy tanks aboard vehicles/equipment; no bulk fuel storage onsite.	Yes	Concrete trucks fueled offsite as required. Tidy tanks and jerry cans used onsite as required.	
Locate storage facilities away from high-traffic areas and protect them from vehicle/equipment damage.	Yes		
Provide storage areas with controlled access so only authorized / trained personnel can remove and use materials.	Yes	All fluids stored within lockable containment areas.	
Ensure tanks are corrosion-resistant and stable / anchored securely on a flat surface.	N/A	All fuel stored within tidy tanks only.	
Where possible, store drums and pails of related products in the same area.	Yes	All fluids stored within lockable containment areas.	
Ensure all materials are properly labeled and remain in original containers with lids intact for as long as reasonable.	Yes		
Protect liquids from freezing, where applicable.	Yes		



Condition	Y / N	Comments	Photo
Provide minimum 120% secondary containment for all volumes of liquid stored.	Yes	Appears adequate via visual inspection – capacity not verified relative to stored materials.	
Segregate combustible and flammable materials from oxidizing agents and other ignition sources.	Yes		
Prevent water-reactive and pyrophoric materials from contacting accumulated water, e.g. roofed enclosures.	Yes		
Provide emergency spill kits / supplies within storage area, including fire extinguishers, non-sparking shovels, sand bags, etc.	Yes	Spill kit located within fluid storage area.	13
6.3 DISPOSAL			
Source-reduction procedure in place.	Yes		
Returns procedure in place.	Yes		
7. SPILL RESPONSE AND PREVENTION			
Spill Response Steps reviewed by all staff.	Yes	Operator reports spill response procedures have been reviewed with Site staff	
Spill Response Steps posted in appropriate areas.	Yes	Noted within fluid storage sea-can	14
Standard spill kit available.	Yes	Noted at batching area and fluid storage areas.	15
Vehicle spill kit available.	Yes	Noted within concrete trucks	16
Equipment inspected daily to ensure it is leak-free and functioning; fuel/oil caps checked; leaking equipment tagged out; required onsite servicing occurs in containment.	Yes	As required during pre-trip inspections. Pre-trip inspection books noted within concrete trucks.	
Leaking machinery/equipment is contained using trays, buckets or absorbents, and repair / transport is arranged.	Yes	Drip trays noted under most stationary equipment.	17
Workers/operators clean observed leaks and wipe down equipment, including non-reportable leaks/spills.	Yes		
Grease and oil used for maintenance are appropriately applied and excess / contaminated materials properly disposed.	Yes		
During fuelling of compressors, light plants, etc., portable drip trays / absorbent pads are used.	Yes	Operator reports drip trays/absorbents are used during onsite fuelling, as required	

Condition	Y / N	Comments	Photo
Jerry cans stored in sealed toolbox tray / suitable ventilated locker and placed in containment when outside the storage container.	Yes		
When heavy machinery is not in use, portable drip tray placed under main engine compartment.	Yes	Drip trays noted under most stationary equipment.	18
Fire extinguishers and emergency-response equipment kept visible/accessibly; emergency contacts posted; fire extinguishers routinely inspected/certified.	Yes	Extinguishers noted in trucks, and emergency contact noted within mechanical fluid storage area.	19
Waste oil or materials removed from Site as soon as possible in accordance with applicable transportation / hazardous-waste requirements.	Yes	Operator reports waste oils/materials are removed from Site as required.	
Emergency Spill Response Plan implemented when required.	Yes	Operator reports the Spill Response Plan is implemented where required.	
Emergency Spill Response Plan posted onsite and personnel aware of plan and location of response materials / emergency contacts.	Yes	Noted within mechanical fluid shed	
Oil-spill response materials and equipment kept onsite in sufficient quantities and accessible locations.	Yes		
8. MONITORING AND REPORTING			
Scheduled follow-up monitoring — wet season.	Yes	Wet-season follow-up discussed with operator; additional monitoring to be completed as required by regulatory or compliance requirements.	
Annual monitoring	Yes	Following implementation of the updated EMP, annual third-party environmental inspections may not be necessary unless otherwise required or triggered by operational changes, regulatory or compliance concerns.	
Procedure for weekly Site inspection including completion of Environmental Monitoring Checklist / Report with each inspection.	Yes	Weekly inspections documented within onsite binder.	20



Photo 1: Looking east across batch plant area.



Photo 2: Looking west across batch plant area.



Photo 3: Plastocrete 250 additive stored within contained area next to batch plant.



Photo 4: Lock block production area



Photo 5: Solids storage area



Photo 6: Batching area, requires maintenance to ensure drainage is not blocked.



Photo 7: Water management area showing one of two holding tanks with available capacity.



Photo 8: Water management area requires cleanout prior to rainy season.



Photo 9: Stockpiled material to be covered prior to rainy season.



Photo 10: Silt fencing down gradient from operations area, required maintenance prior to rainy season.



Photo 11: Additive storage area.



Photo 12: Mechanical fluids storage in sea can with welded lip and secondary containment at rear for spent fluids.



Photo 13: Spill supplies within fluid storage area.



Photo 14: Spill response steps posted in fluid storage area.



Photo 15: Spill kit located within batching area.



Photo 16: Spill kits observed within concrete trucks.



Photo 17: Drip trays noted below concrete trucks.

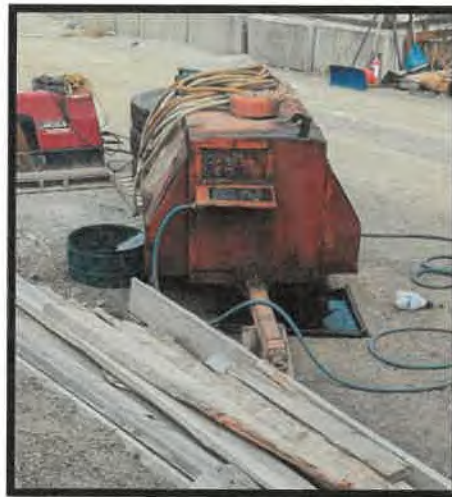


Photo 18: Drip tray noted below compressor.



Photo 19: Fire extinguisher noted within vehicles and throughout site.



Photo 20: Weekly site inspections documented and stored onsite.



Photo 21: Onsite dugout with pH of 6.55



Photo 22: Lower dugout with pH of 7.5.



Photo 23: PVC stickup for newly established groundwater monitoring well.

Jas Chonk

From: Emery Sanderson <Emery.Sanderson@cowichantribes.com>
Sent: Thursday, March 26, 2026 3:55 PM
To: Jas Chonk
Cc: Keisha Sampson; Stephanie Atleo; Brad Smith
Subject: Re: North Pender Island Local Trust Committee Draft Bylaws 236 and 237 Referral - For Response

Hi Jas and Brad,

Thank you for the referral regarding Draft Bylaws 236 and 237 on North Pender Island.

Cowichan Tribes has reviewed the proposed amendments and we have some concerns to note.

The proposed rezoning to permit a concrete production facility including, as the bylaw defines it, the handling, treatment and storage of waste materials, is a significant change for a small island environment. Concrete production can generate dust, noise, heavy vehicle traffic, and potentially hazardous runoff. The lot's proximity to Bedwell Harbour is a particular concern. We'd want to understand what stormwater and drainage controls are proposed, and how potential contamination of groundwater and nearshore marine areas will be prevented.

The waste materials language in the bylaw definition is also quite broad. We'd ask that the LTC clarify exactly what categories of waste are contemplated and ensure that adequate environmental protection conditions are attached to any approval.

We also expect that a heritage assessment be required before any ground disturbance proceeds. Shoreline-adjacent lots on Pender Island have archaeological modeled potential, and that needs to be addressed up front rather than after the fact.

Cowichan Tribes is not in a position to support this application as currently proposed without more information on the environmental safeguards and heritage considerations. We'd welcome the opportunity to discuss further if that would be helpful.'

Huy ch q'u,

Emery Sanderson

Referrals Advisor
Cowichan Tribes, Lulumexun
Phone: 250-732-7874
Email: emery.sanderson@cowichantribes.com

>>> Jas Chonk <jchonk@islandstrust.bc.ca> 02/23/2026, 03:24 PM >>>

Dear Cowichan Tribes Referral Coordinators,

The North Pender Island Local Trust Committee has asked that its draft Bylaws 236 and 237 (NP-RZ-2024.1 (Grimmer)) be referred to you for comment. The referral package prepared by Island Planner Brad Smith is attached.

The purpose of draft Bylaws 236 and 237, if adopted, would result in the following uses to be permitted on a portion of the lot through a land use designation change from Rural to Industrial, and a site specific zoning change from Rural (R) to General Industrial (g), or GI(g):

- a) Contractor Yard;
- b) Concrete production facility; and,
- c) Accessory buildings and structures

Concrete production facility is defined in the amending draft bylaw to mean “the use of the site, buildings and structures for the production, storage and handling of concrete products and associated materials including the handling, treatment and storage of waste materials”.

Professional reports and staff reports are available on the North Pender Island application webpage:
<https://islandstrust.bc.ca/island-planning/north-pender/current-applications/>

A reply is respectfully requested by **Friday, April 24, 2026.**

Should you have any questions, or require further information, please contact Island Planner Brad Smith at 250-405-5194 or bsmith@islandstrust.bc.ca and he would be happy to answer any questions you may have.

Please direct referral responses to southinfo@islandstrust.bc.ca or by mail to: Islands Trust, Victoria Head Office – 200-1627 Fort Street, Victoria BC V8R 1H8.

Thank you for your time and attention to this matter.

Jas Chonk (she, her, hers)

Legislative Clerk

Islands Trust

200-1627 Fort Street | Victoria BC V8R 1H8

T 250-405-5164 | islandstrust.bc.ca

You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421



Preserving and protecting over 450 islands and surrounding waters in the Salish Sea

I respectfully acknowledge that the Islands Trust Area is located within the treaty lands and territories of the BOKÉĆEN, Cowichan Tribes, K'ómoks, Lyackson, MALEXEL, Qualicum, scəwaθən, səlilwətał, SEMYOME, shishálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Songhees, Spune'luxutth', STÁUTW, Stz'uminus, łaʔəmen, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOLELP, WSIKEM, Xeláltxw, Xwémalhkwi, Xwsepsum, and x^wməθk^{wəy}əm First Nations. Islands Trust is committed to reconciliation and to working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea.



STÁUTW FIRST NATION

7728 TETAYUT RD | SAANICHTON, BC | V8M 2E4

STÁUTW (Tsawout) First Nation

Lands Department

7728 Tetayut Rd, Saanichton, BC

V8M 2E4

April 4, 2026

Islands Trust

200-1627 Fort St.

Victoria, BC

V8R1H8

Re: Referral – Draft Bylaw Nos. 236 and 237

Subject Property: Lot 1, Section 18, S,DÁ,YES (Pender Island) Cowichan District, Plan VIP59806

Islands Trust File No.: NP-BLs-236-237

STÁUTW File No.: 2026-00075

STÁUTW First Nation acknowledges receipt of the referral regarding draft Bylaw Nos. 236 and 237, which propose to amend the land use designation from Rural to Industrial and rezone a portion of the subject property from Rural (R) to General Industrial (GI(g)) to permit a contractor yard, concrete production facility, and associated accessory uses.

The subject lands are located on S,DÁ,YES, within STÁUTW First Nation's traditional territory. This area is known to have high archaeological potential and ecological sensitivity. STÁUTW has significant concerns regarding the introduction of industrial land uses, particularly a concrete production facility, in a rural island environment.

The proposed amendment represents a substantial increase in land use intensity. Industrial activities such as concrete production, material storage, and waste handling introduce risks to archaeological resources through ground disturbance and may adversely impact surrounding ecosystems.

STÁUTW First Nation holds unextinguished Aboriginal rights and title within its traditional territory. As a signatory to the Douglas Treaties, STÁUTW retains Treaty rights to hunt, fish, and carry-on traditional practices, as well as to protect village sites and maintain its *CELÁNEN* (way of life). These rights are constitutionally protected under section 35 of the Constitution Act, 1982, affirmed by the United Nations Declaration on the Rights of Indigenous Peoples, and supported by established jurisprudence. The protection of these rights must be a central

consideration in land use planning and decision-making processes affecting STÁUTW's territory.

STÁUTW First Nation is particularly concerned about:

- Potential impacts to undocumented archaeological sites and cultural materials;
- Effects on groundwater and surface water quality, including contamination risks associated with concrete production and the storage and handling of materials and waste;
- Increased noise, dust, and traffic inconsistent with the surrounding rural context;
- Potential downstream impacts to the marine environment, including areas used for harvesting and other traditional practices;
- The cumulative effects of introducing industrial zoning within the Islands Trust Area.
- The impact to the Douglas Treaty rights held by STÁUTW First Nation

In addition to the above, STÁUTW notes that the proposed bylaws appear inconsistent with the object and guiding principles of the Islands Trust as set out in the Islands Trust Act, which require the preservation and protection of the Trust Area and its unique amenities and environment for the benefit of residents of the Trust Area and of British Columbia generally.

The introduction of heavy industrial uses, including concrete production and associated waste handling, into a rural island context raises significant concerns with respect to:

- The long-term protection of environmentally sensitive ecosystems;
- The preservation of cultural and archaeological resources;
- The maintenance of the rural and low-impact character that the Islands Trust Act is intended to safeguard;
- The potential for cumulative impacts arising from incremental industrialization within the Trust Area.
- Douglas Treaty Rights

STÁUTW First Nation expects that any proposal of this nature be carefully evaluated against the Islands Trust's mandate to "preserve and protect," and that a precautionary approach be applied where there is uncertainty regarding environmental or cultural impacts.

At this time, STÁUTW First Nation is unable to support this bylaw amendment. The Nation is open to reconsidering its position provided the following information is received:

1. Confirmation of whether an Archaeological Impact Assessment (AIA) has been completed for the subject property. If not, STÁUTW expects that an AIA be required prior to any further consideration of the proposed bylaws. Please forward along a completed AIA for review prior to reconsideration;
2. Provision of any environmental, hydrogeological, and servicing studies prepared in support of the proposed industrial use;

3. Detailed information regarding the management, treatment, and containment of waste materials associated with the proposed concrete production facility;
4. Ongoing consultation with STÁUTW First Nation as this proposal advances.

Given the potential for significant and irreversible impacts, and the apparent inconsistency with the Islands Trust's legislated mandate, STÁUTW First Nation recommends that consideration of draft Bylaw Nos. 236 and 237 be deferred until the above information has been provided and reviewed to STÁUTW's satisfaction.

We appreciate the opportunity to review this referral and look forward to continued engagement on this matter.

BManson

Sincerely,
Bel Manson, Referrals Coordinator
Lands and Environment Department
STÁUTW First Nation

Jas Chonk

From: Matthew Perkins <matthew.perkins@malahatnation.com>
Sent: Wednesday, August 5, 2026 9:23 AM
To: Brad Smith
Cc: Jas Chonk; Bethany Woodbridge
Subject: RE: Proposed Bylaw Change on Pender Island
Attachments: image002_emz was removed from this message; image009_emz was removed from this message

Good morning Brad,

Thanks for the response. Yes, that will suffice for now. If a CMT survey needs to be completed please reach out and Malahat Nation can coordinate this.

huy ch q'u



Matthew Perkins
Referrals Coordinator

Malahat Nation
7 Kwunew Kwasun Lane | Mill Bay, BC | V8H 1B8
Cel: (250) 884-1465 | Tel: (250) 743-3231
www.malahatnation.com

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From: Brad Smith <bsmith@islandstrust.bc.ca>
Sent: July 29, 2026 1:58 PM
To: Matthew Perkins <matthew.perkins@malahatnation.com>
Cc: Jas Chonk <jchonk@islandstrust.bc.ca>
Subject: RE: Proposed Bylaw Change on Pender Island

You don't often get email from bsmith@islandstrust.bc.ca. [Learn why this is important](#)

Hi Matthew,

I am the planner assigned to this file. I am just getting caught up on referral responses for BL 236/237.

Thank you for your letter dated April 28, 2026. Staff provide the following responses to the two concerns raised:

- 1) *Requiring cultural monitors during ground disturbance* – rather than through the bylaw itself, this is typically addressed by requiring it to be a *Land Title Act* s. 219 covenant condition. The applicant has already been directed to begin drafting a s. 219 covenant for other aspects of the application, such as a site plan indicating where structures and buildings can be located, an invasive species management plan, and recommendations of engineers in respect of stormwater management.

Staff will further recommend that the LTC direct the applicant to also include a covenant condition requiring cultural monitors during land development as requested by the Malahat Nation.

- 2) *Cultural Modified Tree (CMT) survey* – the area proposed for rezoning has been significantly disturbed both through current industrial activities and historic farm use. The Islands Trust commissioned an AIA in 2018 at 4415 Bedwell Harbour Rd as part of a Local Trust Committee (LTC) project to locate the community recycling and waste transfer facility in the area of the lot now zoned General Industrial e(GIe).



The 2018 AIA report is attached. It concludes there is low risk for archeological impacts in the area studied, and makes no reference to CMTs.

That said, other Nations have also expressed similar concerns and may request additional AIA work to be completed. Staff will ensure that the scope of that work includes explicit review of any CMTs in the area.

Can you please confirm if this will adequately addresses the concerns of Malahat Nation at this time. Happy to connect directly over a zoom call as well if needed.

Thanks, Brad

Best regards,

Brad

Brad Smith, PAg

Island Planner, Southern Team

200-1627 Fort Street | Victoria BC V8R 1H8

(778) 679-5185 | bsmith@islandstrust.bc.ca | www.islandstrust.bc.ca

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Preserving and protecting over 450 islands and surrounding waters in the Salish Sea

I respectfully acknowledge that the Islands Trust Area is located within the treaty lands and territories of the BOKEĆEN, Cowichan Tribes, K'ómoks, Lyackson, MÁLEXEŁ, Qualicum, scəwəðən, səlilwətał, SEMYOME, shishálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Songhees, Spune'luxutth', SÁÁUTW, Stz'uminus, łaʔəmen, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOŁEŁP, WSIKEM, Xeláltxw, Xwémalhkww, Xwsepsum, and xʷməθkʷəy̓əm First Nations. Islands Trust is committed to reconciliation and to working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea.

From: Matthew Perkins <matthew.perkins@malahatnation.com>

Sent: Wednesday, April 29, 2026 10:38 AM

To: Jas Chonk <jchonk@islandstrust.bc.ca>

Subject: Proposed Bylaw Change on Pender Island

Good morning,

Attached is Malahat Nation's response to the proposed bylaw change.

Huy ch q'u



Malahat

Matthew Perkins

Referrals Coordinator

Malahat Nation

7 Kwunew Kwasun Lane | Mill Bay, BC | V8H 1B8

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www.malahatnation.com

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Malahat Nation

110 Thunder Road | Mill Bay, BC | V0R 2P4

Tel: (250) 743-3231 | Fax: (250) 743-3251

info@malahatnation.com | www.malahatnation.com

April 28, 2026

Malahat Referral No: R26057

Jas Chonk

Legislative Clerk

Islands Trust

Via email: jchonk@islandstrust.bc.ca

RE: Malahat Nation Response to the Bylaw Change on Pender Island

Dear Jas Chonk,

Thank you for your consultation request dated February 3rd, 2026, regarding draft Bylaws 236 and 237 on Pender Island, which is located in Malahat Nation's traditional territory.

Malahat Nation has reviewed the documents sent and there are a few concerns with the proposed land-use change. Cultural monitors should be present if any sort of ground disturbing work was proposed and if stands of trees were to be logged a Cultural Modified Tree (CMT) survey needs to be completed as well. Are you able to write these requests into your bylaw to ensure that work going forward is completed in a culturally sensitive manner?

Thank you for your time and consideration to build and maintain respectful ongoing relationships with First Nations of the area.

Sincerely,



Matthew Perkins
Referrals Coordinator
Malahat Nation

From: Brad Smith
Sent: Wednesday, July 15, 2026 10:43 AM
To: Jas Chonk
Subject: FW: NP-BL-236/7
Attachments: S7ÁUTW_Response_-_Referral_Conditions NP-BL-236-237.pdf

Please file along with my response. Thanks.

From: Brad Smith
Sent: Wednesday, July 15, 2026 10:42 AM
To: 'Bel Manson' <bmanson@stautw.ca>
Subject: RE: NP-BL-236/7

Thanks for this. I will pass this on to the applicant and will provide you with his overdue engineering monitoring report when it is received.

I will also provide further response to each of the referral items in due course as requested.

Please also note that his TUP expires at end of July and he has been requested to reapply so that the TUP will continue to regulate the use while the rezoning application continues to be considered.

From: Bel Manson <bmanson@stautw.ca>
Sent: Tuesday, July 14, 2026 3:01 PM
To: Brad Smith <bsmith@islandstrust.bc.ca>
Subject: NP-BL-236/7

Hi Brad, please find attached the response to the bylaw amendment above.

I am away at EoD Monday so hopefully this is sufficient.

Bel Manson (They/Them) / Referrals Coordinator

[TFN2024_Consultation-Protocol-Policy-May-1-2024-Approved.pdf](#)



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FW: NP-BL-236/7



2026-07-14

Islands Trust
200-1627 Fort St, Victoria, BC, V8R 1H8

S̱ÁUTW First Nation File No. 2026-00075

RE: North Pender Island Local Trust Committee Bylaws 236 and 237 - NP-BLs-236-237

Dear Brad Smith,

Thank you for your referral to S̱ÁUTW First Nation regarding your project on our traditional territory. Based on the results of our review and the materials you provided, S̱ÁUTW First Nation will require the proposed activities outlined in North Pender Island Local Trust Committee Bylaws 236 and 237 to meet the following conditions:

1. If the proponent plans on disturbing the ground in his activities that he has a complete AIA (archeological impact assessment) complete due to the proximity to DeRt-55
2. Concrete Facility Maintenance
 - Confirm existence of a regular maintenance schedule to prevent leaks from wastewater holding tanks and rubber pond liner.
3. Containment for Concrete Additives
 - Clarify type and enclosure of containment structure for additives and materials.
 - Determine year-round cement powder storage method.
 - Recommendation: Install a fully enclosed storage area.
4. Water Management
 - S̱ÁUTW would like to receive the water quality monitoring data from the concrete processing plant, and if he is able, provide us with historical water quality data as well (pre-concrete plant) as that would be very useful to determine the extent of change happening in nearby groundwater.
 - Recommend comprehensive water testing for all potential contaminants due to vulnerability risk.
5. Derelict Equipment
 - Identify plan for removal or management of abandoned trailers, agricultural machinery, and vehicles.

6. Used Lubricant Storage

- Confirm interim storage method before recycling at Hetherington Industries (Port Alberni).
- Note: Lubricants reportedly brought to Hetherington site only as needed.

Please advise SṐÁUTW First Nation in writing as to your ability to meet the above listed conditions. Failure to meet these conditions will result in revocation of our conditional non-objection of the proposed activities outlined in North Pender Island Local Trust Committee Bylaws 236 and 237.

SṐÁUTW First Nation holds unextinguished Aboriginal rights and title within its traditional territory. As a signatory to the Douglas Treaties, SṐÁUTW retains Treaty rights to hunt, fish, and carry-on traditional practices, as well as to protect village sites and maintain its ĆELÁNEN (way of life). These rights are constitutionally protected under section 35 of the Constitution Act, 1982, affirmed by the United Nations Declaration on the Rights of Indigenous Peoples, and supported by established jurisprudence. The protection of these rights must be a central consideration in land use planning and decision-making processes affecting SṐÁUTW's territory.

HÍSŬĶE,

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